

# Public Record Update

June 2015

## Court News

### Changes to Idaho State Judiciary Online Access

The state judiciary is in transition to a new case management system which includes a major change to the agency's online public access system. A new system is now live in a pilot phase, but Twin Falls County is the only county on this new system.

This means that two systems must now be accessed to do a complete statewide name search for any type of court record, including a criminal or civil case.

Access to Twin Falls County is on the new system at <http://icourt.idaho.gov/>. Ada County will be brought onto this system sometime in 2016. The remaining counties should be on the new system by the end of 2017.

For all counties except Twin Falls, free access to trial court record index is provided at <https://www.idcourts.us/repository/start.do>. On this system records are searchable by name statewide or by individual county, and by case number. Results date back to 1995 or further depending on the county. Online results include identifiers of year of birth and middle initial. The following personal information is not released: DL, street address, telephone numbers, and the first 6 characters of the SSN.

Note that the public access terminals at Idaho courthouses are considered to be more accurate than the current online system. The onsite terminals go back further, show the class of record, and can have more dispositions reported when compared to the online system. Thus, the existing online service is not thought to be equivalent to an onsite search at the courthouse. It is yet known if the new system will be online/onsite equivalent.

## Motor Vehicle News

### Deadline Approaching on Mandatory Federal Rules for CDL/CLP License Restrictions and Codes

State motor vehicle agencies constantly must react to regulations imposed by the Federal Motor Carrier Safety Administration (FMCSA). Regulations issued by FMCSA are published in the Federal Register and compiled in the U.S. Code of Federal Regulations (CFR). Title 49 CFR Part 383 is the regulation dealing with on commercial driver's license (CDL) standards, requirements and penalties.

Certain modifications made to [§383.153](#) require eight specific, standardized **CDL Restrictions and associated Codes** that states are to have in place by **July 8, 2015**. These Restrictions and Codes are:

E: No Manual Transmission Equipped CMV

K: Intrastate Only  
L: No Air Brake Equipped CMV  
M: No Class A Passenger Vehicle  
N: No Class A and B Passenger Vehicle  
O: No Tractor-Trailer CMV  
V: Medical Variance  
Z: No Full Air Brake Equipped CMV

This rule change has forced states to add to and/or revise their current restrictions and codes. Plus, since some states already were using one or more of the new codes but connected to a totally different restriction, a number of existing restrictions must have a new code assigned. As a result, you will notice a number of new or modified CDL Restrictions and Codes on driving records and driver license cards.

While many states are already in compliance or are working to do so by July 8th, not all states will meet this deadline. Some states will not be in full compliance until the end of 2016. The new [2015/2016 MVR Access and Decoder Digest](#) indicates both the new and the obsolete restrictions and codes as of July 2015.

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## Recording Fees in Arizona

### **Arizona Recording Fees - Flat Rate Starts July 3, 2015**

Per [SB 1218](#), on July 3, 2015 statewide new recording fees will take effect in Arizona. These new standardized fees will be set at a flat rate and include the fees previously charged for extra pages and postage and handling.

#### **The New Fees are:**

- A Deed of Conveyance will be \$15.00. The additional \$2.00 for an Affidavit of Real Property Value remains the same.
- A Deed of trust/Mortgage will be \$25.00.
- A Release of Deed of Trust/Mortgage will be \$10.00.

The fee structure being replaced includes among other fees the following: all instruments (unless otherwise specified by law) are \$9.00, with a fee of \$1.00 for each page over five and \$3.00 for each indexing category. Also, a \$1.00 surcharge is charged by the Recorder when delivering an instrument by mail.

The statute affected is [A.R.S. 11-475](#). Note this statute as viewed on the legislative site still shows the older fee structure.

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## State Criminal Record Repositories in the News

**Recent Concerns Surface About Accuracy and Completeness of Criminal Records at State Criminal Record Repositories**

A recent article (June 15th) posted by *The Seattle Times* details a report released by the Washington State Auditor's Office that "...Criminal information on thousands of cases is missing from a state database often used to perform background checks for employment and volunteer positions...The Auditor's Office found that 81,000 case dispositions involving 54,462 people in 2012 had missing information."

According to the [Auditor's 26-page Report](#):

"We found a third of the dispositions reported in the Judicial Information System (JIS) in 2012 were missing from the Washington State Identification System (WASIS). Almost 90 percent were for gross misdemeanors, such as driving under the influence. Dispositions were missing for thousands of people for offenses that would disqualify them from jobs and volunteer positions with vulnerable populations. We found dispositions were missing for two primary reasons: the person arrested was never fingerprinted, or vital information was not included when the disposition was entered into JIS."

This information, about weaknesses in the state criminal record repositories, is certainly not new. Every two years the U.S. Department of Justice releases an extensive [Survey of State Criminal Record Repositories](#). The 118-page twelfth survey, released January 2014, contains these eye-opening facts:

- 13 states report 20% or more of all dispositions received could NOT be linked to the arrest/charge information in the state criminal record database. 14 states don't know how many dispositions they have that cannot be linked.
- 17 states have over 1.8 million unprocessed or partially processed court dispositions, ranging from 200 in Wyoming to 633,100 in Utah.
- 17 states reports there is at least a 60-day backlog between the time of a felony case is decided and when the record is entered in the criminal history database. 12 states do not know how long the delay is.

BRB Publications provides an interesting overview in a two-page article about this Survey at [www.CriminalRecordSources.com](http://www.CriminalRecordSources.com). Click on the **Free In-depth Reference Material** button and then on *Shocking Facts About Accuracy at State Repositories*.

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