

Public Record Update

November 2016

■ Indiana - Pending Recommendations Regarding Remote Access and Privacy of Electronic Court Records

An Advisory Task Force on Remote Access to and Privacy of Electronic Court Records, created by IN Supreme Court order, recently undertook a study of best practices and policies on Internet access to electronic court records. A 47 page Report of Findings and Recommendations is now available at www.in.gov/judiciary/admin/files/tfrap-report.pdf.

There are eight specific recommendations in the Report, four of which relate to online access by the public. The public has until December 1st to provide comments. The task force that created the recommendations included judges, attorneys, law professors, politicians, clerks and judicial staff, but no one from the segment of users in the private sector.

We asked Mr. Don Johnson, owner of Trace Investigations in Bloomington IN, for his thoughts on this Report and its effect on record access for the public. Mr. Johnson is a founding member of the Indiana Society of Professional Investigators and also a member of the executive council of the Indiana Association of Background Screeners (indianabackgroundscreeners.com), the first state association of its kind.

Per Mr. Johnson: "By all appearances, these recommendations are going to bring us more complete online records, not less. The clerks are being trained already on scanning orders and judgments into the online portal. In other words, once this is completed a case file on Odyssey (and Doxpop) will now have complete orders and judgments displayed, as opposed to the disposition summaries we get now, which are often incomplete or not even there (just a date and a note an order or judgment was issued). Already local attorneys can scan their filings and send a PDF to the court and it will be entered, or a new file created if it's a civil case (the system is called "E-file")."

The Task Force did postpone consideration of posting records for several case types: juvenile paternity, domestic relations, estate supervised, trust and miscellaneous criminal. The Report stated the Task Force will consider next year whether to make orders in those cases available online to the public, as well as pleadings and filings in all non-confidential cases. The Report said those decisions will come after initial online access been implemented and assessed.

■ Motor Vehicle Record News

Virginia Raises Motor Vehicle Record Fees

Effective November 1, 2016, the fee for driving records and vehicle records was increased by \$1.00. The current fee is now \$8.00 for online record requests and \$9.00 for manually ordered records. Add \$5.00 for certification.

Changes to Massachusetts Registry Driving Records

Effective October 26, 2016, a number of changes were made to the driving records issued by the Massachusetts Registry of Motor Vehicles (RMV). **There are now three different types of records available:**

1. Public Driving Record
2. Personal Driving Record
3. Full Certified Driving History

The fee for the True and Attested version for each of these records is \$20.00, the record is stamped with an official Registrar's stamp and is recommended for official purposes. The Public Driving record is also available as an Unattested version for \$6.00 and is for personal use. Below are brief explanations about each of the record types. You can also read about this at

www.massrmv.com/SuspensionsandHearings/DrivingRecordsDrivingHistory.aspx.

1. Public Driving Record

A Public Driving Record is now a complete look at a license holder's driving career and is no longer limited to the last 10 years of offense or suspension activity. It includes surchargeable accidents, criminal and civil driving offenses for which a person was found either guilty or responsible, plus discretionary and administrative license suspension actions. However, certain drug suspensions, expired warrants, and expired child support obligation information is no longer displayed on a Public Driving Record as per Chapter 64 of the Acts of 2016. This record may be ordered in person, online, by mail, and by the driver by phone.

2. Personal Driving Record

A Personal Driving History contains surchargeable accidents, all motor vehicle offenses, regardless of disposition, plus discretionary or administrative license suspension actions that a person has accumulated over the course of his/her driving career. A Personal Driving History will show dispositions on motor vehicle violations that a driver was found civilly not responsible for and criminal not guilty of having committed. The Personal Driving History contains drug offense, warrant, and child support information that is protected from public dissemination under Chapter 64 of the Acts of 2016. A Personal Driving History is available to the license-holder and anyone who the holder has explicitly designated, in writing, to receive their Personal Driving History. Access to this information will remain available to RMV personnel, law enforcement, court personnel, and for other state and federal government purposes. A Personal Driving History cannot be requested online or by phone.

3. Full Certified Driving History

A Full Certified Driving History contains surchargeable accidents, all motor vehicle offenses, regardless of disposition, plus discretionary or administrative license suspension actions that a person has accumulated over the course of his/her driving career. Further, this history contains any letters that were generated and mailed to the driver from the Registry of Motor Vehicles about license suspensions and revocations. A Full Certified Driving History will show dispositions on motor vehicle violations that a driver was found civilly not responsible for and criminal not guilty of having committed. The Full Certified Driving History contains drug offense, warrant, and child support information that is protected from public dissemination under Chapter 64 of the Acts of 2016.

Document Recording Fee Increase in Colorado for 2017

In Colorado, the recording fee for the first page of each document recorded on or after January 1, 2017 in Colorado will increase by \$2.00. This means the fee will be \$13.00 for the first page and \$5.00 for each additional page of each recorded document on or after January 1, 2017.

This fee increase is per passage of Senate Bill 115, viewable at http://leg.colorado.gov/sites/default/files/115_signed.pdf.

New PA Law Allows Record Sealing for Many Misdemeanor Convictions

Per [SB 166](#), effective November 14, 2016, people convicted of certain second and third degree misdemeanors and ungraded offenses with a maximum penalty of two years may obtain an Order of Limited Access from the court to seal the record. The Order prohibits state or local police departments, courts, and other state agencies from providing information related to the conviction, arrest, or other information to anyone including employers and landlords. There are few exceptions. Law enforcement agencies will be able to share information with other law enforcement agencies, with courts, and certain governmental agencies for licensing purposes, described in section 9121(b.1) and 9124(a).

The eligibility requirements include:

- No convictions for 10 years (beginning from your conviction date or date of completion of supervision, including probation-whichever is later)
- Only second or third degree misdemeanors or ungraded offenses that carry no more than 2 years as a maximum sentence
- No more than 3 eligible misdemeanor convictions
- No felony or first degree misdemeanor convictions
- No convictions of any of the following offenses: sexual intercourse with an animal (3129), impersonating a public servant (4912), intimidation of or retaliation against a witness (4952, 4953), obstruction of a child abuse case (4958), any sex offense conviction that requires registration under Meghan's Law (42 Pa.C.S. Ch. 97), or simple assault (M2 assault or second degree misdemeanor assault)

Obviously, data aggregators will need to constantly update (redact) their DBs.

Circuit Court Filings - Cook County, IL

Effective January 1, 2017, use of the no fee filing drop boxes will be discontinued. All court document will need to be filed at the Clerk's Office public counter or through the [Clerk's Office e-File System](#).

■ Possible Opportunity - 20 Million Military Records from MIE Inc.

We rarely promote private firms or run any sort of *for sale* data in this newsletter. However, in this edition I am making an exception and would like to pass along some information that may be of interest to someone.

MIE, Inc. (MilitaryUSA.com)

is offering for licensing or sale its over 20 Million records in databases. Databases can be packaged together or separately, depending on specific need.

MIE began helping veterans reunite in 1987 and after almost 30 years in business has decided to cease operations through its website. For over thirty years, MIE has collected and acquired unique databases of veterans, active duty military, reserve, National Guard and retired military members. These specialized databases offer the ability to verify military service, obtain in depth background information about a military member or veteran, provide whereabouts at a specific time, full legal name, home of record; education as well as additional information.

The MIE exclusive military/veteran databases include:

- Active Duty Military Personnel (1997, 1999, 2000, 2001 - 800,00 per file)
- Reserve & National Guard Personnel (1997, 1999, 2000 - 800,000 per file)
- Retired Military Personnel (1997, 1999, 2000: 5.5 Million Records)
- 1991 Gulf War Veterans Database (850,000 Records)
- 1991 Gulf War Unit Rosters (7,000 Units)
- Vietnam-Era Database (4.6 Million records)
- Vietnam Veterans Database (2.7 Million Records)

If this is of interest to you, please contact Ms. Debra Knox at dknox@militaryusa.com or (864) 595-3596 (EST).

I hope you and your family have a great Thanksgiving Holiday!!

We welcome your comments and observations about this newsletter. Please address your comments to Michael Sankey at mike@brbpublications.com or call 800-829-7475.

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