## STAFF REPORT

|  |  |  |  |
| --- | --- | --- | --- |
| **Agenda Item:** | 6 | **Name:** | Clifton Curry |
| **Proposed No.:** | 2020-0309 | **Date:** | November 10, 2020 |

**SUBJECT**

AN ORDINANCE relating to fees charged by the Department of Judicial Administration; and adding a new fee for persons or companies to for providing access to civil and criminal case index data.

**SUMMARY**

This Proposed Ordinance would allow the DJA to assess and collect fees for providing downloads of the different King County Superior Court data and public indexes. The Criminal Case Index consists of an index of names of defendants and their associated criminal cases and charges filed in Superior Court and the General Case Index consists of an index of names of litigants and their associated civil cases filed in Superior Court. The legislation sets annual and semi-annual subscription fees, along with a fee for a single report, with a different fee for each of the Indexes. The Executive estimates that this new fee would generate an additional $130,500 in revenue annually for the DJA.

**BACKGROUND**

The Superior Court is the county’s jurisdiction trial court and has responsibility for civil matters, family law cases, criminal (any adult criminal case filed as a felony), and juvenile criminal offenses (all misdemeanor and felony cases) throughout the county. The court currently operates out of Seattle (the County Courthouse, Clarke Children and Family Justice Center, and the Harborview Involuntary Treatment Court) and Kent (Maleng Regional Justice Center). The court has almost 75,000 criminal, civil, and other case filings annually. In addition, the court is responsible for juvenile court services and court-ordered supervision and treatment. The court is supported by the Department of Judicial Administration—which acts as the Superior Court Clerk--and administers all court records for civil matters, family law cases, felonies, and juvenile criminal offenses filed in the Superior Court. The department handles about 1.5 million documents and cases annually.

The Department of Judicial Administration is responsible for keeping all King County Superior Court case files dating back to 1854. Case files are, with some exceptions, public records and available for viewing by the general public. As the twelfth most populous county in the country, the King County Superior Court through the Clerk’s Office of the Department of Judicial Administration receives over 8,000 daily filings for both criminal and civil cases through the work of thousands of attorneys, litigants and almost 70 judicial officers. Prior to the Electronic Court Record (ECR) project, court records were only accessible at the Clerk’s office during business hours and with only one person able to view a case file at a time, retrieving records sometimes could take days. As a result of the ECR project, all cases filed in King County beginning January 1, 2000, are available as image files for viewing electronically (with archived cases since 1996 also available electronically).  Mandatory e-filing of court records started July 1, 2009, with the system fully updated on March 15, 2010. Pro Se parties (those not represented by an attorney) may choose to E-file but are not required to do so. DJA has recently updated its case management system.

**ANALYSIS**

This proposed ordinance would authorize DJA to assess a subscription fee for private vendors to access case indexes. The Criminal Case Index consists of an index of names of defendants and their associated criminal cases and charges filed in Superior Court, which DJA updates on a regular basis. The General Case Index consists of an index of names of litigants and their associated civil cases filed in Superior Court, which is also updated on a regular basis. This proposed Ordinance would allow DJA to charge a fee to “prepare, execute, and monitor” all contracts with private vendors who would be able then to make available full downloads of the Court Criminal and General public indexes to their clients. According to DJA, the vendors primarily use the indexes for providing “background checks” for private entities. Additionally, the Executive notes that, prior to implementation of DJA’s new case management system, the state sold similar data to venders.

The legislation sets both annual and semi-annual fees, along with a fee for a single non-subscription report, with a different fee for each of the Indexes. The annual subscription fee for the Criminal Case Index would be $3,600 and for the General Case Index the annual fee would be set at $1,800. The semiannual subscription fee for the Criminal Case Index shall be $1,800 and the fee for a single report would be $1,500. The semiannual subscription fee for the General Case Index would be $900 and the single report fee would be $750.

The Executive estimates that this new fee would generate an $130,500 in revenue annually for the DJA.

**AMENDMENT**

There are no amendments related to this Ordinance.

**ATTACHMENTS**

1. Proposed Ordinance 2020-0309
2. Transmittal Letter
3. Fiscal Note