

Remote Electronic Access to Civil & Criminal Case Records

A. Definitions

1. “Case Record” means:
 - i. any document that is collected, received, or maintained by a court or clerk of court in connection with a judicial proceeding; and
 - ii. any order, judgment, or minute entry that is related to a judicial proceeding, and
 - iii. any index, calendar, docket, or register of actions associated with a case or in connection with a judicial proceeding.
2. “Civil case” means an action brought to enforce, redress, or protect a private or civil right but does not include the following case types: juvenile dependency or other matters brought under Arizona Revised Statutes (“A.R.S.”) Title 8; family law, paternity, or other matters arising out of Title 25; Orders of Protection; Injunctions Against Harassment and all proceedings, judgments or decrees related to the establishment, modification or enforcement of such orders, including contempt; or probate proceedings brought under A.R.S. Title 14.
3. “Civil traffic case” means an action brought under A.R.S. Title 28 or a matter expressly designated as a civil traffic violation by a traffic ordinance of a city or town and any boating violation punishable by a civil sanction under Articles 1 through 11 of Chapter 3, Title 5 of the A.R.S., or expressly designated a civil violation or a boating ordinance by a city or town.
4. “Criminal case” means an action instituted by the government to punish offenses classified as a misdemeanor or felony brought pursuant to A.R.S. Titles 4, 13, and 28, ~~and 4~~. **Criminal case does not include any case in which a minor child is a victim.**
5. “Named party” means an individual, partnership, corporation, association or public or private organization identified as a party in a case.
6. “Sealed” means closed by court order.

B. A court may provide remote electronic access to civil, criminal, and civil traffic case records only and shall do so under the following conditions:

1. Parties and attorneys may be provided remote electronic access at no charge, upon registering, to any case records filed with the clerk of court after the effective date

of this rule, which are not sealed, in which they are a named party or the attorney of record. An attorney of record on the staff of a public or private law firm may extend access to any other attorney or person working for or on behalf of that public or private law firm.

2. Members of the public may be provided remote electronic access, upon registering and paying the necessary fee, to all civil, criminal, and civil traffic case records filed with the clerk of court after the effective date of this rule, which are not sealed and are not otherwise confidential by law, except that the following documents shall not be accessible by remote electronic access due to the inability to protect sensitive data that is likely to be contained within these documents:

- booking-related documents;
- warrants (ADD: including search warrants, confidential wiretaps, pen registers, handwriting exemplars, and trap and trace?);
- charging documents;
- pre-sentence reports;
- defendant's financial statement;
- disposition report;
- transcripts

3. [Alt #1]

Members of the public may be provided remote electronic access, without registering, to any index, calendar, docket, or register of actions.

[Alt #2]

Members of the public may be provided remote electronic access, without registering to individual case information extracted from a case management system, such as a list of documents filed, events, dates, calendars, party names, dates of birth, city, state and zip code, case number, judicial assignment, attorneys, charges filed or claims made, interim rulings, and case outcomes, including sentence, fines, and payment history. No such information shall be accessible for sealed or confidential case types or for the following non-confidential case types:

- i. Orders of protection or injunctions against harassment until the order has been served;
- ii. Juvenile incorrigible/delinquency;
- iii. Mental health; and
- iv. Probate

[Alt #3: From Nebraska]

Members of the public may be provided remote electronic access, without registering, to:

- i. Litigant/party indexes;

- ii. Summary information about each case, including the names of the parties;
 - iii. Registers of actions describing the documents filed in a case;
 - iv. Calendars of court proceedings, including the case number, caption, date, time, and location of scheduled hearings;
 - v. Summary information about judgments, orders, or decrees in a case.
4. Any federal, state, or local governmental entity may be provided remote electronic access at no charge, upon registering, to any case records filed with the clerk of court after the effective date of this rule, which are not sealed and are not otherwise confidential by law, in order to carry out a particular governmental responsibility as identified by the governmental agency and authorized by the clerk.
- C. Prior to permitting remote access to records described in (B)(1), (2), and (4) the court shall require users to register and provide the following information:
- name
 - address
 - email
 - phone
 - d.o.b.
 - Arizona drivers' license number
 - credit card number, security code, and expiration date
 - attorney information: Firm, Bar No., Bar State
 - username
 - password

Registration may be carried out online, in person, or by fax. A potential user's drivers' license must be verified by the Motor Vehicle Division of the Arizona Department of Transportation before access is approved. Users must renew their registration every X years.

- D. User Agreement: When applying for a username and password, potential users must be asked to sign and accept the following statement:

[**Alt #1:** Based on 2002 Weisburg Committee Report; Tab 3]

I understand that the password issued to me shall not be used by any other individual, except for an attorney or staff person in my public or private law firm, and that unauthorized use of my password or a breach of any security procedures related to

the use of my password may be a violation of A.R.S. §§ 13-2316 and 13-2316.01.

[**Alt #2:** Based on Manatee County, FL Online Access System]

Electronic access is provided by the clerk subject to the following disclaimer and terms and conditions which user accepts by proceeding with public or subscription access. This site is a replication of the clerk's official court records system. Arizona law, court rule, or court order prohibits the posting of certain information on this site. In addition, for the records the clerk posts on this site, a gap exists between the time a record is posted on the clerk's official system and on this site. The clerk's office uses its best efforts to maintain this website but makes no guarantees concerning the information contained in this website, including the accuracy, currency, or content of such information and is not responsible for the results of any defects or misinformation that may be found to exist in this site or any lost profits or other consequential damages that may result from such defects or misinformation. No warranties, express or implied, are provided for the data herein, its use, or its interpretation. You should not assume this website is error-free or that it will be suitable for the particular purpose that you have in mind when using it. For security purposes and supreme court reporting requirements, information about searches and users may be gathered. Any user who violates any applicable state or federal computer crime law in the application for or use of this site will be prosecuted. This application accesses information from _____ to the present. Civil images are available on or after _____, traffic images are available on or after _____, and criminal images are available on or after _____

where Arizona law, court rule, or court order permits.

[**Alt. #3:** From the Superior Court in Maricopa County Electronic Court Record System]

By logging into and/or using the Electronic Court Record maintained by the Clerk of Superior Court, the user agrees to access all documents and information only as instructed by the Clerk, to not attempt any unauthorized access, and to consent to monitoring by the Clerk of all use of the system. No remote access will be granted to documents which are sealed or designated as confidential by the Court. Sealed and confidential documents may be inspected at one of the Clerk's Public Records locations if authorized by order of the Court. Users are also advised that the Clerk and the Court will not be liable for inaccurate or untimely information, or for misinterpretation or misuse of the images or data, and that any disclosure of such information to third parties is done at the user's own risk. The Clerk and/or Court may deny access to users for failure to comply with these requirements. Any unauthorized access may be reported to the County Attorney for further investigation.

- E. Fee for remote electronic online access. [To be determined. Current statute allows for a fee of \$100/yr. for an annual online access subscription and not more than \$2.00/minute for online access (see A.R.S. §§ 12-284, -284.02, -119.02, 22-408). Note: Should a per page fee also be charged for accessing case records in the online system, similar to the federal PACER system which charges .08¢/page with a maximum \$2.40 for any one document or docket sheet? The fee assessed should probably cover the cost of the remote electronic access program. This committee has agreed that the access fee should include the ability to download and print the documents accessed.]
- F. Case records shall not be displayed on the Internet except as provided herein, or as provided by A.R.S. § 12-283(I), or as ordered by the court in a particular case. Only case records filed after the effective date of this Rule may be displayed.

G. Public access to case records at the courthouse, whether in paper or imaged format, shall continue.