

>> ORDER IN THE COURT.

SUPREME COURT OF FLORIDA IS NOW
IN SESSION, THE HONORABLE
JUSTICE CANNADY PRESIDING.

>> GOOD MORNING AND WELCOME TO
THIS SESSION OF THE FLORIDA
SUPREME COURT, THE FIRST CASE
ON OUR DOCKET TODAY IS
AMENDMENTS TO FLORIDA RULE OF
JUDICIAL ADMINISTRATION 2.423.

I WILL FIRST RECOGNIZE COUNSEL
FOR THE RULES COMMITTEE.

>> GOOD MORNING HONORABLE
JUSTICES OF THE SUPREME COURT.
MY NAME IS MICHAEL SCHMID ON
BEHALF OF THE AD HOC JOINT
RULES COMMITTEE.

IT WAS CREATED TO CONSIDER
WHETHER ANY RULES OR AMENDMENTS
ARE NEEDED IN RESPONSE TO THE
CONSTITUTIONAL AMENDMENT NUNEZ
COURSE'S LAW, ARTICLE 1 SECTION
16 D3.

I HAVE THE PRIVILEGE TO SHOULD
CHAIR THE AD HOC JOINT RULES
COMMITTEE WHICH MET SEVERAL
MONTHS AGO, CONCERNING INPUT
FROM NUMEROUS INDIVIDUALS
INCLUDING CLERKS, COURT
MEMBERS, PROSECUTION, DEFENSE,
BAR, AND THE REPRESENTATIVES,
LAW ENFORCEMENT, VICTIM
ADVOCATES, SPONSORS OF THE
AMENDMENT AND MEMBERS OF THE
PUBLIC.

AFTER HAVING THESE MEETINGS WE
DETERMINED THE ANSWER TO THE
COURT'S QUESTIONS, YES, A RULE
IS NEEDED, THE PROPER PLACE FOR
THE LIES WITHIN THE RULES OF
JUDICIAL PROCEDURE.

I WILL ADDRESS THE JOINT AD HOC
JOINT RULES COMMITTEE
SUBCOMMITTEE'S ANALYSIS AND
CONCLUSIONS REGARDING THE NEED
FOR A RULE ANTICIPATED BY THE
RULE AND THE ISSUES IDENTIFIED
AND ADDRESSED DURING THE
SUBCOMMITTEE'S DELIBERATIONS.

>> LET ME ASK YOU, THE MEDIA
COALITION HAS A COUPLE
SUGGESTIONS FOR REVISIONS TO
THE RULE.

D1 SHOULD BE AMENDED TO IDENTIFY THE CONFIDENTIAL INFORMATION IN THE CHARGING DOCUMENT AND ALSO TO REQUIRE THE FILE OR TO FILE A REJECTED VERSION TO CONFORM TO MARCY'S LAW.

WHY ARE THOSE PROVISIONS, I ASKED THE CLERKS THE SAME THING WHENEVER THEY APPEAR, WHY SHOULD THOSE NOT BE ADOPTED BY THE COURT?

>> IF I UNDERSTAND THE QUESTION, WHY SHOULD NOT EVERY FILE OR BE REQUIRED TO FILE REDACTED INFORMATION?

>> THE SUGGESTIONS BY AS I UNDERSTAND IT THE NEWS MEDIA COALITION IS THE FILER SHOULD IDENTIFY THE CONFIDENTIAL INFORMATION AND AT THE SAME TIME THEY ARE FILING THE ENTIRE DOCUMENT TO ALSO REQUIRE FILING REDACTED VERSIONS SO THEIR CONCERN IS SO THAT THE MEDIA CAN GET ACCESS AS QUICKLY AS POSSIBLE TO THE INFORMATION AND THERE IS NOT A LONG DELAY. WHY SHOULD WE NOT REVISE THE RULES THAT HAVE BEEN FILED BY THE COMMITTEE TO DO THOSE THINGS.

>> I DO NOT BELIEVE IT WOULD BE NECESSARY AS THE CURRENT PROPOSED RULE ALLOWS FOR CONFIDENTIAL INFORMATION TO BE FILED INDICATING THE EXACT LOCATION AND INFORMATION REQUIRED IF YOU ARE REDIRECTED. NOT ALL DOCUMENTS FILED WITH THE COURT NEED OR CAN BE OR SHOULDN'T BE REDACTED PRIOR TO FILING.

A LOT OF THE ORIGINAL ONES LIKE CRIMINAL AFFIDAVIT FILED BY LAW ENFORCEMENT TO THE CHARGING DOCUMENT OR INFORMATION BY STATE ATTORNEY'S OFFICE WOULD NEED TO CONTAIN VICTIMS INFORMATION.

>> THEY ARE NOT SUGGESTING THAT ONLY A REJECTED VERSION BE FILED.

IF I UNDERSTAND CORRECTLY THEY

ARE SUGGESTING THAT IN ADDITION TO THE FULL VERSION A REJECTED VERSION BE FILED.

>> IN THAT CASE I DO BELIEVE THAT WOULD REQUIRE ADDITIONAL RESOURCES BY LAW ENFORCEMENT, FILING THE RACIAL REPORT AFFIDAVIT.

I DON'T THINK THAT IS SOMETHING LAW ENFORCEMENT WAS SET UP TO DO IN THE DEEP PORTAL PROCESS THEY USE FOR FILING THE AFFIDAVITS.

I BELIEVE THAT IT GOING TO CREATE UNNECESSARY BURDENS ON THE FILER AND THE CURRENT SYSTEM OF IDENTIFYING INFORMATION IS SUFFICIENT FOR THE CLERKS TO BE ABLE TO REJECT THE INFORMATION IN A TIMELY WAY FOR NOTICE OF FILINGS OF CONFIDENTIAL INFORMATION SO IT IS CONSISTENT WITH THE PROCESS. SO I BELIEVE IT ALSO PROVIDES UNIFORMITY, PROCESSING TO FILE IN A CENTRAL LOCATION UNDER THE RULES OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION.

THE FERGUSON MARSHALL'S LAW WAS FILED TO PROTECT THE RIGHTS OF CRIME VICTIMS TO MAKE SURE CRIME VICTIMS HAVE THE RIGHTS THAT ARE PROTECTED IN A MANNER NO LESS VIGOROUS THAN THOSE ACCORDED TO CRIMINAL DEFENDANTS, WE BELIEVE IN PARTICULAR THE RIGHT TO HAVE A CRIME VICTIM INFORMATION RECORDS THAT COULD BE USED TO LOCATE OR HARASS A CRIME VICTIM FOR BEING PUBLICLY DISCLOSED IS ONE OF UTMOST IMPORTANCE THAT NEEDS TO BE PROTECTED.

RIGHT NOW WE HAVE UNIFORMITY, A DIFFERENT JUDICIAL CIRCUIT TREATING THIS INFORMATION DIFFERENTLY.

SOME JUDICIAL CIRCUITS ARE REQUIRING THAT THE INFORMATION BE ONLY REDIRECTED SUBJECT TO COURT ORDER, MAYBE THE INITIAL FILING INFORMATION COMES IN, IT IS PUBLICLY AVAILABLE UNTIL THE VICTIM GETS A COURT ORDER

MEANING THE INFORMATION IS
ALREADY OUT THERE IN THE VICTIM
CAN CONTINUE TO BE HARASSED
WHICH HONESTLY GOES AGAINST THE
PURPOSE OF THIS LAW.

OTHER CIRCUITS ARE
AUTOMATICALLY REJECTING AND
OTHER SERVICES REQUIRING
ADDITIONAL DOCUMENTS TO BE
FILED INDICATING WHERE THE
INFORMATION IS LOCATED MORE
INDICATING RIGHT OFF THE BAT
THAT THE VICTIM IS EITHER
ELECTED TO OPT IN OR DECIDED TO
WAIVE THE RIGHT.

IT DEPENDS ON EVERY SINGLE
CIRCUIT HOW THIS FILING
INFORMATION WAS TREATED, THUS
THE SYSTEM IS NOT UNIFORM AND
VICTIMS OF ONE CIRCUIT ARE
BEING TREATED DIFFERENTLY FROM
VICTIMS IN ANOTHER CIRCUIT.

>> LET ME ASK YOU THIS RELATED
TO THE POINT YOU ARE JUST
MAKING.

I UNDERSTAND WHEN YOU ARE
PROPOSING IS YOU TRY TO AVOID
BECOMING INVOLVED IN
DETERMINING DISPUTED ISSUES OF
LAW, PARTICULARLY
CONSTITUTIONAL LAW.

THAT IS NOT YOUR SCOPE, TO MAKE
THOSE DECISIONS.

HOWEVER, WITH RESPECT TO THE
PROVISION OF SECTION B 5 OF THE
MARCY'S LAW WOULD MAKE
REFERENCE TO THE RIGHT TO
PREVENT THE DISCLOSURE OF
INFORMATION, THAT IS CENTRAL TO
WHAT WE ARE DISCUSSING HERE.

I AM WONDERING IF ANY EFFECT IN
THE WAY YOUR PROPOSAL IS,
HAVEN'T REALLY DECIDED THE
ISSUE RELATED TO THAT BECAUSE
IT SEEMS, TELL ME IF I AM
WRONG, PERHAPS I AM MISS
READING IT BUT IT SEEMS TO ME
THAT THE IS STRUCTURED BASED ON
AN ASSUMPTION THAT A VICTIM
DOES NOT HAVE TO TAKE
AFFIRMATIVE ACTION TO PREVENT
DISCLOSURE OF INFORMATION.

AM I CORRECT IN THAT
UNDERSTANDING?

>> YOU ARE CORRECT, THAT WAS THE RULE AND I WILL TELL YOU A LOT OF MEETINGS TRYING TO FIND A RULE THAT DID NOT ADDRESS THAT AND THE SUBCOMMITTEE DID VOTE ON WHETHER OR NOT THEY THOUGHT THIS WAS AUTOMATIC RIGHT OR OPT IN RIGHT AND ULTIMATELY THE SUBCOMMITTEE VOTED AND DIDN'T SLIP ON THAT ISSUE BUT WAS ABLE TO CRAFT WE BELIEVE DOES NOT HAVE TO REQUIRE JURISDICTIONS TO DECIDE THAT ISSUE.

>> WE WILL HAVE DECIDED IT IN THE.

>> YES, SIR.

>> WHAT WAS THE VOTE ON THAT DO YOU RECALL?

>> I BELIEVE IT WAS 9-6 IF I RECALL BUT THOSE LINES WHERE THE MAJORITY DIDN'T CHOOSE TO VOTE FOR OPT IN AND THE MINORITY VOTED IT WAS AN AUTOMATIC RIGHT.

>> MY QUESTION -- WEIGHT, GO ON.

THE WAY IT IS STRUCTURED NOW IT IS AN AUTOMATIC RIGHT.

>> WE BELIEVE EACH CIRCUIT CAN MAKE THAT DETERMINATION, INITIALLY WHAT WILL HAPPEN IS YOU HAVE LAW ENFORCEMENT OFFICERS CHARGING THE INFORMATION CHARGING DOCUMENTS THROUGH THE UNIFORM ARREST AFFIDAVITS, DO NOT ADVOCATE, WHETHER THEY ELECTED TO WAIVE THAT RIGHT, EVERY SINGLE VICTIM IS PROTECTED WHETHER THE VICTIM CHOOSES TO OPT IN THEY INDICATE IT ON EVERY UNIFORM AFFIDAVIT THAT THERE'S CONSTITUTIONAL INFORMATION IN THE AFFIDAVIT. IT IS STRUCTURED IN A WAY THAT EACH JUDICIAL CIRCUIT LAW ENFORCEMENT AGENCY CAN MAKE THAT DETERMINATION AND CHOOSE TO OPT IN AND AUTOMATICALLY CHECK THE BOX AS IT WERE WHEN FILING THAT INFORMATION INITIALLY LETTING THE CLERKS KNOW THAT THERE IS CONFIDENTIAL INFORMATION.

AFTER THAT INITIAL CHARGING DOCUMENT IS FILED THEN THE NOTICE PROVISIONS REQUIRING THE FILER TO INDICATE, AND IT IS CONTAINED, AND WE PROVIDE CLARITY, UNDERSTANDING AND THE RULE IS NECESSARY NOW BECAUSE WE BELIEVE AS IT STANDS CRIME VICTIMS ARE NOT BEING TREATED UNIFORMLY ACROSS THE STATE, AGAINST THE PURPOSE OF MARCY'S LAW.

WE HAD A SUBSTANTIAL AMOUNT.

>> I WANT TO MAKE SURE THERE IS THE OPPORTUNITY TO DO THAT.

MY QUESTION HAS TO DO WITH THE DEFINITION OF BE ONE.

CONFIDENTIAL CRIME VICTIM INFORMATION, TO LOCATE OR HARASS THE VICTIM OR THE VICTIM'S FAMILY OR COULD DISCLOSE CONFIDENTIAL PRIVILEGED INFORMATION ON THE VICTIM, THERE IS A BREAK IN THAT SENTENCE, ANY KIND OF INFORMATION TO HARASS THEM, DEFINED BY POTENTIAL USE OF THE INFORMATION, AND AFTER DISCLOSING CONFIDENTIAL PRIVILEGED INFORMATION.

DID THE COMMITTEE DO ANY WORK INTO COMPARING WHAT THIS MEANS TO PERSONAL IDENTIFYING INFORMATION WHICH IS FAMILIAR TO FEDERAL COURT PRACTITIONERS, THE CONCEPT THAT GUIDES REDACTION PRINCIPLES INCLUDING WITH RESPECT TO HIP A AND OTHER THINGS AND WHETHER THE COMMITTEE'S VIEW IS WHETHER OUR DEFINITION OF WHAT IS TO BE PROTECTED OR REJECTED IS BROADER OR LESS BROAD OR IDENTICAL IN SCOPE TO PII.

DOES THE COMMITTEE HAVE A VIEW ON THAT QUESTION?

>> I DO NOT BELIEVE THE COMMITTEE SPECIFICALLY ADDRESSED THAT QUESTION.

THE DEFINITIONS ONE 23 CAME FROM THE TEXT OF MARCY'S LAW AMENDMENT AND WE TRIED TO KEEP WITHIN THE ACTUAL LANGUAGE SO WE WERE NOT GAINING ANY SORT OF

INTERPRETATION OF SUBSTANTIVE RIGHTS.

I WILL SAY THAT WE DISCUSSED PII INFORMATION THAT IS CONTAINED IN THE RULES JUDICIAL ADMINISTRATION AND THE LIST OF 23 UNDER 2.420 WHICH ARE AUTOMATIC EXEMPTIONS AND WE CONSIDER THOSE AS WELL AND WHETHER THEY SHOULD FOLLOW THE AUTOMATIC EXEMPTIONS.

ALSO WE DECIDED THIS NEEDS TO BE ITS OWN SET BECAUSE IT WOULD NOT BE OBVIOUS UNDER FULL 23 WHICH REDACTION TO THE CRIME VICTIM INFORMATION WAS SO IT NEEDED TO BE ITS OWN RULE REQUIRING THE FILE OR IDENTIFYING WHERE THE INFORMATION IS WAS FILED.

I DO NOT KNOW AS I STAND HERE NOW WHETHER OR NOT, I DON'T RECALL ANY ANALYSIS BEING DONE. LOOKING AT THIS PERSONAL IDENTIFYING INFORMATION BUT I AM HAPPY TO PUT ANYTHING IN WRITING THAT YOU WISH AFTER I REVIEW ALL THE NOTES AND TRANSCRIPTS.

>> IT SEEMS TO ME ONE DIFFERENCE BETWEEN THE CONCEPT IS PERSONAL IDENTIFYING INFORMATION, ADDRESSING WHAT COMES BEFORE THE WORD OR WHAT COMES AFTER THE WORD OR. IT IS INFORMATION THAT IS IDENTITY INFORMATION, DOESN'T TALK ABOUT NECESSARILY LOCATING AND HARASSING THE INDIVIDUAL. IT SEEMS TO ME OUR DEFINITION IS A LITTLE BROADER AND THE REASON I ASK THE QUESTION IS AT THE END OF THE DAY WHAT I AM HEARING IS FILERS DON'T HAVE AN ANSWER BASED ON THESE RULES, WHAT THEY HAVE DONE IN FEDERAL COURT WILL DO IN FLORIDA.

I DON'T KNOW IF YOU CAN SPEAK TO THAT BUT YOU HAVE REACHED THE END OF YOUR TIME.

>> WE HAVE BEEN LIBERAL WITH THE TIME.

SORRY ABOUT THAT.

I DO BELIEVE THIS WILL DOES NOT

DECIDE THE ISSUE.

IT IS FLEXIBLE FOR IDENTIFYING INFORMATION AND CRIME VICTIM INFORMATION FOR THE PURPOSE OF THIS RULE IS TO PROVIDE PROTECTION FOR CRIME VICTIM INFORMATION AND AS WE SIT HERE NOW I CAN'T TELL YOU WHETHER OR NOT IT WILL BE MORE BROAD OR LESS BROAD THAN IT WOULD BE IN FEDERAL COURT.

>> I WOULD EXPECT THAT LAY WHICH TO COME DIRECTLY FROM THE TEXT OF THE CONSTITUTION.

>> THAT IS WHAT WE WERE INTENDING TO DO AND WE WORKED HARD ON NOT TRYING TO MAKE ANY SUBSTANTIVE RIGHTS THROUGH THIS RULEMAKING PROCESS AND PROVIDING GUIDANCE TO EVERYBODY COME OF THE FILERS, THE CLERKS AND THE CRIME VICTIMS ON HOW INFORMATION COULD BE FILED AND PROTECTED IN THE JUDICIAL SYSTEM.

>> COULD I ASK A QUESTION? I WILL GIVE YOU YOUR REBUTTAL TIME AND WE WILL USE IT WITH MORE TIME BUT YOU WILL STILL HAVE THE REBUTTAL TIME.

I AM INTERESTED IN ELABORATION ON THE PROHIBITION RELATED TO THE CONDITION OF CONFIDENTIALITY.

AND WHERE EXACTLY THAT COMES FROM IN THE AMENDMENT, WHAT THAT IS PROVIDING THE PROCEDURE FOR THAT IS IN THE TEXT OF THE AMENDMENT.

>> I BELIEVE THERE HAS BEEN -- I BELIEVE IT WAS A SARASOTA CIRCUIT COURT CASE THAT CAUGHT MY ATTENTION IN WHICH A COURT HAD STRUGGLED WITH THAT ISSUE OF HOW LONG CRIME VICTIM INFORMATION REMAINS CONFIDENTIAL AND SO WHAT WE ATTEMPTED TO DO, TRYING TO BE CAREFUL NOT TO OVERSTEP THE BOUNDS OF RULES WAS TO ADDRESS HOW LONG THAT INFORMATION, HOW LONG CRIME VICTIM INFORMATION WOULD REMAIN CONFIDENTIAL IN A COURT FILING.

FOR EXAMPLE AT SOME POINT AS THE NEWS MEDIA COALITION POINTS OUT IS THERE GOING TO BE A SITUATION WHERE A CRIME VICTIM INITIALLY ELECTED FOR MARCY'S LAW HAS A PRESS CONFERENCE, GIVES A LOT OF INFORMATION, OBVIOUSLY NO LONGER IS WORRIED ABOUT BEING HIDDEN FROM SIGHT, OR GOES AND TESTIFIES AT TRIAL OR PROVIDES INFORMATION PUBLICLY IN SUCH A MANNER AS THERE IS NO LONGER A NEED FOR MARCY'S LAW PROTECTION. AT SOME POINT.

>> HOW DO YOU TIE THAT BACK TO ANYTHING IN MARCY'S LAW ITSELF?

>> I DON'T KNOW THAT WE DID. THAT WAS JUST PROCEDURE WE NEEDED TO ADDRESS, AND THAT IS WHY WE DEFAULT TO THE COURT SYSTEM.

>> WHAT SUGGESTS -- WHAT IN THE AMENDMENT DID YOU DECIDE TO SUGGEST A LIMITED DURATION?

>> I DON'T KNOW THAT THERE IS A LIMITED DURATION.

>> THANK YOU.

AS I SAID, WE WILL AFFORD YOU THE REBUTTAL TIME YOU RESERVED WHICH WE CONSIDERED PLUS.

>> THANK YOU.

>> WITH THAT WE WILL MOVE ON TO REPRESENTATIVE OF THE NEWS MEDIA COALITION.

>> GOOD MORNING, JUSTICES, MAY IT PLEASE THE COURT, MARK CARAMANICA ON BEHALF OF THE NEWS MEDIA COALITION.

THE NEWS MEDIA COALITION, SUBJECT TO THE AMENDMENTS WE HAVE PROPOSED TO THE PROPOSED RULE SUPPORT THE FULL AS DRAFTED FOR TWO REASONS, THE FIRST IS THE INTENT AS WE UNDERSTAND IT IN THE FOLLOWING THE DRAFTING PROCEEDINGS HAS BEEN TO NOT ENGAGE IN ANY OF THE SUBSTANTIVE DISPUTES OVER THE SCOPE OF THE REAL AND ITS INTERPRETATION.

WE TALKED ABOUT THAT ALREADY AND WE CAN GET TO THAT BUT THE SECOND REASON WE BELIEVE THE

RULE IS GOOD IS IN ALL CASES EXCEPT FOR THE INITIAL CHARGING DOCUMENTS WHICH WE SUGGEST NEED TO BE FURTHER IDENTIFIED IT PUTS THE BURDEN BACK ON THE FILE OR TO IDENTIFY THE INFORMATION THEY ARE CLAIMING MARCY'S LAW PROTECTION FOR AND THAT IS REALLY ABOUT SPEED OF ACCESS AND ENSURING THAT MARCY'S LAW PROTECTIONS DON'T SLOW PUBLIC ACCESS TO RECORDS. THE INTERPRETIVE ISSUES OUT THERE SINCE MARCY'S LAW INCEPTION HAVE CAUSED CONFUSION AND CONSTERNATION AMONG AGENCIES AS MICHAEL SCHMID ALLUDED TO, THE PROVISION DEALING WITH MANY WAYS ACROSS AGENCIES.

YOU KEYED ON TO THE MAIN ISSUE, THE OPT IN VERSUS AUTOMATIC DEBATE, THE LAW IS NOT, THE IS NOT DESIGNED TO SETTLE THAT. IT DOES ALLOW INDIVIDUALS ESSENTIALLY TO SELF IDENTIFY FOR AGENCIES TO AUTOMATICALLY ASSERT THAT WITHOUT NECESSARILY BE A VICTIM ASSERTING IT THEMSELVES.

OUR POSITION IS THE LAW IS PRETTY CLEAR THAT HE GIVES THE VICTIM THE RIGHT TO PREVENT THAT INFORMATION FROM BEING DISCLOSED SO YOU HAVE TO ASSERT THAT RIGHT AND RAISE YOUR HAND TO EXERCISE YOUR MARCY'S LAW RIGHTS.

THE OTHER SUBSTANTIVE ISSUES AS TO WHO IS COVERED, THE DURATION OF THE PROTECTIONS PARTICULARLY WHEN TALKING ABOUT CRIMINAL PROCESS GOING FORWARD, THE RIGHT TO FACE YOUR ACCUSER, CRIMINAL DISCOVERY BEING EXCHANGED, THE PUBLIC'S RIGHT TO ATTEND CRIMINAL TRIALS, ALL THAT SUGGEST AT SOME POINT THE MARCY'S LAW PROTECTIONS ARE GOING TO THE ROAD AND THE PUBLIC'S RIGHT OF ACCESS TO INFORMATION CONTAINED IN COURT RECORDS IS GOING TO TRUMP THAT, SO AS I MENTIONED SPEED IS WHAT

WE ARE CONCERNED ABOUT HERE AND THAT IS WHY WE PROPOSED THE AMENDMENTS TO THE RULE THAT WE HAD.

AS FAR AS D1 WE THINK THERE SHOULD BE A MECHANISM FOR INITIAL CHARGING DOCUMENTS TO IDENTIFY SPECIFICALLY WHERE INFORMATION THAT IS CLAIMED TO BE MARCY'S LAW PROTECTED IS FOUND IN THE DOCUMENT THAT WE THINK WOULD SPEED ALONG ACCESS. THIS IS A SIMILAR ISSUE THE COURT HAS BEEN DEALING WITH AND HAS ISSUED A PROPOSED AMENDMENT TO RULE 2.4 GENERALLY WHEN IT COMES TO CIVIL COMPLAINTS.

>> WHEN THEY FILE A NOTICE OF CONFIDENTIAL CRIME VICTIM INFORMATION WITHIN THE COURT FILING UNDER 5 A IT SAYS WE IDENTIFIED THE PRECISE LOCATION WHERE THE CONFIDENTIAL INFORMATION IS LOCATED SO WHY DOESN'T THAT SUFFICE?

>> THERE ARE TWO SORT OF STEPS IN THE RULE, THE STANDARD AND THE LANGUAGE UNDER D1 SAYS THAT THE FILE ARE INITIALLY CHARGING DOCUMENT SHALL INDICATE CONFIDENTIAL CRIME INFORMATION EXISTS IN THE FILING.

AS TO SUBSEQUENT FILINGS UNDER D5, THAT IS WHEN NOTICES NEED TO BE PROVIDED THAT STATE THE EXACT LINE IN THE PLACE OF A DOCUMENT WHERE CONFIDENTIAL INFORMATION EXISTS.

FOR US, AGAIN, CIVIL COMPLAINTS ARE THE INITIAL SALVO THAT SET FORTH THE SCOPE OF THE CASE, WHAT IS AT ISSUE HERE, INITIAL CHARGING DOCUMENTS ARE VERY NEWSWORTHY AND WE THINK THERE SHOULD BE A PROCEDURE FOR ACCESS TO THOSE THAT IDENTIFIES THE RECORDS THERE.

>> YOUR COMPLAINT UNDER THE INITIAL CHARGING DOCUMENT IS FILED AND WHOEVER FILES THAT, LAW ENFORCEMENT FOLKS FILE IT AND SAY THERE IS SOMETHING SUBJECT TO MARCY'S LAW AND YOU FIGURE IT OUT.

>> THAT IS HOW WE READ THE RULE, CLERKS WOULD BE TASKED WITH FINDING WITHIN THE INITIAL CHARGING DOCUMENT, NOT TO SPEAK TO THE CLERKS BUT THEIR SUBMISSION THEY MADE CLEAR THEY ARE ATTUNED AT DOING THIS AND TEND TO DO REDACTIONS AND GET RECORDS OUT IN A WAY THAT DOESN'T IMPEDE PUBLIC ACCESS TO RECORDS.

>> YOUR SECOND POINT ABOUT FILING A REJECTED VERSION IN RESPONSE TO THE COMMITTEE IS TOO BURDENSOME TO LAW ENFORCEMENT, TOO MUCH TO ASK OF THEM AND THEY ARE WILLING TO DO IT AND I WILL LET THEM DO IT.

>> TWO ISSUES, ONE THAT THE PHONOLOGICAL CAPABILITIES OF DOING THAT IN THE CLERK FILING SYSTEM, I CAN'T SAY THAT THAT WAS THOROUGHLY DISCUSSED. THERE ARE WAYS TO EXPLORE WHETHER THAT IS TECHNICALLY POSSIBLE AND WHAT BURDENS IT WOULD IMPOSE BUT THE LARGER POINT, IN THIS PROCESS THE COURT NEEDS TO BE CONSIDERATE OF THE FACT THAT WE ARE HERE TALKING ABOUT DRAFTING A LAW THAT PROTECTS VICTIMS RIGHTS UNDER MARCY'S LAW, BUT ACCESS PROVISIONS ARE COUNTERVAILING AND ON EQUAL FOOTING AS A POLICY MATTER AND A REQUIREMENT THAT WE MAINTAIN PUBLIC ACCESS SO THEY SHOULDN'T TAKE A BACKSEAT.

MARCY'S LAW IS BURDENING EVERYONE ESPECIALLY THE PRESS'S ABILITY TO REPORT ON THE CRIME AND TO SAY LAW ENFORCEMENT SHOULD NOT HAVE TO SHOULDER ADDITIONAL RESPONSIBILITY TO COMPLY WITH MARCY'S LAW SEEMS A LITTLE UNFAIR WHEN EVERYONE ELSE IS DOING SOMETHING TO COMPLY WITH IT.

>> YOUR ANSWER AM I CORRECT THAT IN THE SPEED AND ACCURACY OF THE REDACTION PROCESS?

>> THE SPEED IN GETTING ACCESS TO RECORDS, HAVING THAT

REDACTION PROCESS OCCUR IN A WAY THAT DOESN'T SLOW DOWN PUBLIC ACCESS TO THE RECORDS IS OUR MAIN CONCERN AND WE WOULD RESERVE ON THE SUBSTANTIVE ISSUES BY SUPPORTING THE FULL -- THE RULE, NOT TO SAY WE ARE CONCEDING THAT ANYTHING IS NECESSARILY AUTOMATIC OR THE SCOPE OF MARCY'S LAW SHOULD CONTINUE AS THE PROPOSED RULE SUGGESTS.

WE THINK THAT IN CASES, THERE SHOULD BE A MECHANISM WHERE THE PUBLIC DOES NOT HAVE TO GO IN AND MOTION TO HAVE RECORDS UNSEALED WHEN THAT INFORMATION IS ALREADY PUBLICLY AVAILABLE AND THAT CAN BE SHOWN THAT IT CREATES AN UNDUE BURDEN ON THE PUBLIC AND THE MEDIA WHEN THEY ARE TRYING TO COVER CRIMINAL TRIALS.

THOSE ARE SUBSTANTIVE ISSUES WE RESERVE ON BUT GENERALLY LIKE I SAID WE SUPPORT THE RULE BECAUSE IT PLAYS MOSES OF THE RESPONSIBILITY ON THE FILE OR FOR THE DOCUMENT SUBJECT TO MARCY'S LAW.

>> THANK YOU.

>> WE WILL NOW HEAR FROM THE REPRESENTATIVE OF THE FLORIDA CLERK OF COURTS AND COMPTROLLERS.

>> THANK YOU, MAY IT PLEASE THE COURT, I AM LAURA ROTH, CLERK OF THE CIRCUIT COURT IN VOLUSIA COUNTY AND I'M HERE FOR THE FLORIDA ASSOCIATION OF CLERKS AND COMPTROLLERS.

THE CLOSE ASSOCIATION DOES SUPPORT PROPOSED RULE 2.423 AND WE URGE THE COURT TO ADOPT IT AS SUBMITTED BY THE COMMITTEE WITH ONE MINOR SUGGESTION THAT I WILL GET TO.

THIS RULE IS CAREFULLY CRAFTED TO STRIKE A BALANCE BETWEEN THE TWO VERY IMPORTANT INTERESTS, THE PROTECTION OF VICTIM INFORMATION MADE CONFIDENTIAL BY THE CONSTITUTIONAL AMENDMENT AND UNIMPEDED ACCESS TO

CRIMINAL COURT RECORDS ON THE OTHER SO I AGO THE TWO OTHER SPEAKERS THAT YOU ARE IN POSITION TO BALANCE AGAIN THESE IMPORTANT INTERESTS WHICH THIS COURT HAS LONG DONE AS EACH NEW PUBLIC RECORDS EXEMPTION IS ADOPTED BY LAW THE SAME QUESTION IS BEFORE THIS COURT AND IT IS UP TO THIS COURT TO DETERMINE WHETHER EXEMPTION APPLIES TO COURT RECORDS.

WE BELIEVE AFTER MUCH THOUGHTFUL DISCUSSION AND DELIBERATION WHICH WE PARTICIPATED IN THE JOINT SUBCOMMITTEE THAT THE WORK OF THAT COMMITTEE HAS PROVIDED AN EFFECTIVE BALANCE IN THIS PROPOSED RULE SO THE VALIDATION IS TO AUTHORIZE CLERKS TO PERFORM REDACTION OF VICTIM INFORMATION BASED ON EITHER, DEPENDING WHAT STAGE OF THE CASE YOU ARE IN, AND INDICATOR ON THE INITIAL CHARGING DOCUMENT FOR A NOTICE WHICH DOES HAVE MORE DETAIL FOR SUBSEQUENT FILINGS.

LISTENING TO THE COURT'S CONCERNS FROM THE PRIOR SPEAKERS LET ME ADDRESS THAT THE REASON CLERKS -- WE INITIALLY WHEN CLERKS WERE INVOLVED IN SUGGEST NOTICE OF CONFIDENTIAL INFORMATION LIKE SUBSEQUENT FILINGS WOULD COME WITH THE CHARGING DOCUMENT. THE ISSUE IS FROM A LAW ENFORCEMENT PRACTICAL STANDPOINT IN HOW THESE ARE LAW ENFORCEMENT OFFICERS IN THE FIELD FILLING OUT THESE ARREST AFFIDAVITS IS ELECTRONIC UNDER DEVELOPMENT AND SO THIS IS ALL DONE ELECTRONICALLY.

DOES NOT -- BELIEVE IT OR NOT IT IS MORE DIFFICULT THAN YOU WOULD THINK TO HAVE A WHOLE ANOTHER DOCUMENT SIGNED BY A VICTIM AND TRAVEL WITH THAT ARREST AFFIDAVIT IS THE UNIFORM ARREST AFFIDAVITS IMPLEMENTED STATEWIDE.

THEREFORE IT WAS A PRACTICAL PROBLEM FOR THEM TO COLLECT MORE DETAILED INFORMATION AND CLERKS, I WOULD LIKE TO POINT OUT HAVE CURRENTLY AND HISTORICALLY PERFORMED SIMILAR REDACTIONS OF INDIVIDUAL PROTECTED OR IDENTIFYING INFORMATION PURSUANT TO SEVERAL STATUTORY PROVISIONS AND I POINT OUT IN THESE, THESE ARE AUTOMATIC EXEMPTIONS.

IF IT IS NOT WE STILL HAVE LONG HISTORICALLY IDENTIFIED THIS INFORMATION.

I DON'T HEAR A SINGLE INSTANCE OF SPECIFIC TROUBLE WITH THAT SUCH AS PATIENT IDENTITY AND HIV TEST RESULTS, IDENTIFYING INFORMATION OF MINORS WAITING FOR PARENTAL NOTICE, INFORMATION OF INDIVIDUALS RECEIVING MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT, THESE ARE ALL IN RULES ADOPTED BY THE CURRENT CLERK OF COURTS TO IMPLEMENT.

IDENTIFYING INFORMATION OF PETITIONERS AND PETITIONS FOR INJUNCTIONS PRE-SERVICE AND INFORMATION REGARDING VICTIMS OF CHILD ABUSE AND VICTIMS OF SEXUAL OFFENSES.

>> IF THESE ARE FOR THE CLERK'S PRACTICAL STANDPOINT TO DO THE REDACTION ITSELF AS OPPOSED TO LAW ENFORCEMENT TO FILE ADDITIONAL REDACTED MATERIALS, WHAT ABOUT THE IDENTIFICATION SO FAR AS WHERE THE CONFIDENTIAL INFORMATION IS?

>> THAT IS WHAT I'M POINTING TO.

IN ALL THESE OTHER AREAS I JUST LISTED AMONG OTHERS, THE CLERKS HAVE LONG HAD TO APPLY THOSE PUBLIC RECORDS EXEMPTIONS AND PROTECT THE INFORMATION WITHOUT ANY DIRECTION WHERE THE INFORMATION IS LOCATED.

WE HAVE BEEN DOING THIS EVEN PREDIGITAL AGE.

IT HAS BEEN ON CLERKS, NO ONE IN THE PAST MAY ASK FOR A FILE,

LET ME TELL YOU WHERE THAT
CONFIDENTIAL INFORMATION IS
LOCATED SO YOU CAN FIGURE IT
OUT.

THIS IS NEVER BEEN THE CASE.
WE HISTORICALLY REDACTION ON
REQUEST FOR PEOPLE WANTING TO
DO PAPER DOCUMENTS WAS ONCE IT
WENT ELECTRONIC OUR DUTY AND
OUR PRACTICE GETTING GOOD AT
DOING THAT HAS ONLY INCREASED
BECAUSE OF THE ELECTRONIC
ACCESS, FAR MORE DOCUMENTS ARE
REQUESTED TO BE REVIEWED BY THE
CLERK OR ACCESS.

>> SOME OF THESE ARE NOT
NECESSARILY CUT AND DRIED.
PERHAPS AN ARGUMENT ABOUT THE
APPLICATION OF THE
CONSTITUTIONAL PROVISION AS TO
WHAT SHOULD OR SHOULDN'T BE
TREATED AS CONFIDENTIAL.
ISN'T THAT ASKING TOO MUCH OF
THE CLERK AND IN NEUTRAL
POSITION, WOULDN'T IT BE BETTER
FOR THE FILE OR WHO THINKS
SOMETHING IS OR ISN'T SUBJECT
TO THE CONFIDENTIALITY TO TAKE
THE POSITIONS, THEY MAY
DISAGREE WITH WHAT THE CLERK
DESIGNATION IS.

>> THAT IS TRUE AND THERE ARE
NUANCES.

I CAN'T DENY IT BUT IN THE SAME
EXAMPLES I READ YOU, WHAT WE
HAVE BEEN PROTECTING AND
CURRENTLY STILL ARE NONE OF
THOSE IN HIV TESTS, PETITIONER
FOR WAIVER OF PARENTAL NOTICE,
ANY OF THE ONES I READ YOU,
NONE OF THOSE DOES A FILEARE
TELL US SPECIFICALLY WHERE IT
IS LOCATED, LIKE CHILD ABUSE
AND VICTIMS OF SEXUAL OFFENSES.
WE HAVE BEEN HAVING TO DO OUR
VERY BEST TO DECIDE WHAT
INFORMATION WOULD DISCLOSE THE
IDENTITY OF THAT VICTIM OF A
SEXUAL OFFENSE.

WITHOUT ANYONE TELLING US WHERE
IT IS, PERFORMING THAT
REDACTION AND STILL ARE
CURRENTLY.

THAT IS WHAT I'M TRYING TO ASK

THE COURT.

WHAT IS THE ADDITIONAL CONCERN AROUND MARCY'S LAW WITH VICTIM INFORMATION WHEN WE ARE PROTECTING VICTIMS OF CHILD ABUSE ON ANY CASE THE EXISTING PROTECTION OF SEXUAL OFFENSES. IN THOSE CASES IN WHICH THEY ALREADY EXIST.

WE ARE ALREADY CHARGED WITH THIS DUTY TO DO OUR BEST TO DO SO.

ALSO THERE ALWAYS IS THE MECHANISM.

I UNDERSTAND THE MEDIA'S POINT, YOU DON'T WHAT IS HAPPENING ROUTINELY BUT WE ARE PRETTY GOOD AT IT SO THE TIMES IN WHICH THERE'S BEEN FLAGRANT OVERREDACTION OR SOME KIND OF ISSUE CAN BEAST QUICKLY AND EASILY CHALLENGED LOCAL MEDIA CONTACT ME DIRECTLY IF THEY QUESTION SOMETHING THEY HAVE BEEN DENIED ACCESS TO AND HAVE IT REVIEWED BY COUNSEL TO MAKE SURE.

EVERY BLUE MOON WE WILL FINALLY OVER PROTECTED SOMETHING, IT COULD BE AN EASY MOTION TO SAY SOMETHING HAS BEEN OVERREDACTED.

REMEMBER ALSO, THERE WILL BE A MATRIX SECURITY RULE THROUGH THE VIEWABLE ON REQUEST PROCESS.

ALL 23 EXEMPTIONS AS PEOPLE ACCESS CRITICAL AND IMPORTANT COURT RECORDS, YOU CURRENTLY HAVE CLERKS TRAINED TO DO SO GOING THROUGH DOCUMENTS REQUESTED ON THE LIST OF 23 AND EXERCISING THEIR EXPERIENCE, JUDGMENT TO GO THROUGH AND READ ACT WHAT IS NECESSARY.

I PERSONALLY NEVER IN 17 YEARS OF WORKING IN THIS OFFICE HAD TO END UP IN A COURT HEARING OVER OVERPROTECTION AND WE PROTECT MYRIADS OF DOCUMENTS AND MANY HAD INFORMATION, WE ARE UP TO 23 THAT WE PROTECT PLUS A FEW IN AN EARLIER PART OF THE FULL -- THE.

I NEVER HAD THE MEDIA
FRUSTRATED OR UNABLE TO GET
ANYTHING AND I'VE BEEN HERE 17
YEARS.

MY POINT IS THIS RULE, ONLY
LEAVES IT UP TO THE CLERK,
VICTIM INFORMATION, TO MAKE
THIS PRACTICAL.

IT IS NOT PRACTICAL TO PROVIDE
MORE THAN THE TIME.

LIKE WE DO IN MANY CASE TYPES,
IN THAT ONE DOCUMENT AND REVIEW
THAT, NEVER IN ALL OF THIS DO
WE REVIEW EVERY CHARGING
DOCUMENT THAT COMES IN NOW TO
REVIEW IT.

WITH ANY OF THOSE DOCUMENTS.
YOU ARE BACK IN WHEN IT MAKES
EVERYBODY COMFORTABLE AND THE
FILER IDENTIFIES WHERE IT IS
AND TELLS US AND THAT IS FINE
AND CLERKS ARE WELL-TRAINED TO
RECOGNIZE THIS, IT IS ALLEGED
TO THE PRACTICE THAT IT NEEDED
TO BE A SEPARATE POOL -- FULL
-- RULE, IT IS SO PREVALENT, IT
IS EVERYWHERE.

IT COULD POTENTIALLY BE --
>> WERE YOU GOING TO MENTION
SOMETHING YOU THOUGHT NEEDED TO
BE CHANGED?

>> THE ONLY THING WE DIDN'T
WANT TO SUGGEST IS YOU HEARD
SEVERAL OF US MENTION WHEN IT
WASN'T PRACTICAL FOR LAW
ENFORCEMENT TO INCLUDE AN
ENTIRE DETAILED NOTICE THEY ARE
CHARGING DOCUMENTS AND IT IS
JUST AN INDICATOR, TELL US YOU
INVOKE MARCY'S LAW WE WILL FIND
THE INFORMATION REDACTED.

WE ONLY AGREED TO THIS LANGUAGE
THE UAA WAS UNDER DEVELOPMENT
AND IT WAS OUR UNDERSTANDING IT
WOULD BE AN ELECTRONIC
INDICATOR ON THE UNIFORM REST
AFFIDAVIT THAT WOULD BE CHECK
MARKED WHICH IS GREAT FOR
ELECTRONIC SYSTEMS BY THE WAY.
IT WOULD HELP THE MEDIA.

IT WAS STILL THE PROMISE AND
WHEN WE SEE THE DATA FIELD
CHECK WE GO IN AND READ ACT IT.
A DELAY IN SEPTEMBER OF 2020, I

SPOKE WITH CHARLES SAFER,
DIRECTOR OF THE CRIMINAL
JUSTICE INFORMATION SERVICES,
THE YOU A PROJECT IS BACK UNDER
DEVELOPMENT, IT WILL BE
COMPLETED THIS SUMMER, IF TLE
NEED TO WORK WITH
MUNICIPALITIES, COUNTIES AND
CIRCUITS TO IMPLEMENT
STATEWIDE.

BECAUSE OF THIS, THE SUGGESTION
I WOULD LIKE TO MAKE IS TO MAKE
IT CLEAR THAT THE INDICATION OF
VICTIM INFORMATION ON THE
ADDITIONAL CHARGING DOCUMENT
SHOULD BE STATED PROMINENTLY OR
CONSPICUOUSLY ON THE DOCUMENT
AND THIS IS JUST PREVENT CLERK
MISSING THE INDICATOR IF THEY
BURIED IT SOMEWHERE AMONG SOME
HANDWRITTEN LANGUAGE THAT COULD
BE DIFFICULT.

WE ARE ASKING IT TO BE
PROMINENTLY DISPLAYED.

LOCALLY IN VOLUSIA COUNTY WE
WORKED OUT LOCALLY WITH LAW
ENFORCEMENT, THEY PUT AT THE
TOP OF THE CHARGING AFFIDAVIT
WHEN MARCY'S LAW HAS BEEN
INVOKED, VICTIM REQUESTS
PROTECTION UNDER MARCY LAW, WE
NEVER MISS IT.

UNTIL THAT IS DEVELOPED, IT
COULD BE HELPFUL AND IF
SOMEBODY DOES A CHARGING
DOCUMENT THAT DOESN'T HAPPEN TO
BE THERE, WE WOULD LIKE THE
COURT TO CONSIDER ADDING
PROMINENTLY OR CONSPICUOUSLY IN
D1 SO THEY SHALL PROMINENTLY OR
CONSPICUOUSLY INDICATE THE
EXISTENCE OF, THE CRIME VICTIM
INFORMATION.

AS LONG AS THEY SEE THAT
INDICATOR WE ARE READY TO
REDACT.

AND MY OVERTIME?

>> YOU ARE BUT IF YOU HAVE
ANYTHING ELSE TO SAY YOU MAY.

>> THE ONLY THING I WANT IT TO
ADD, THANKS FOR THE
OPPORTUNITY, IS THAT IS THE
FIRST -- YOU SHOULDN'T BE THAT
CONCERNED ABOUT THE INITIAL

CHARGING DOCUMENT, ONE DOCUMENT
ASKING TO TRUST US, THE SECOND
IS THE MEDIA DID SUGGEST AND I
DO UNDERSTAND THEY HAVE BEEN
GOOD TO WORK WITH THROUGH THIS
AND GENERALLY SUPPORT THE
RULES.

I APPRECIATE THEM AND THEY KNOW
HOW MUCH WORSE IT COULD HAVE
BEEN SO THIS IS A GREAT
BALANCE, BUT THEY DO MENTION
THEY STILL SEEM TO PERSIST THAT
THEY BELIEVE BY SUBMITTING A
REDACTED OR UNREDACTED VERSION
THIS IS GOING TO SAVE A LOT OF
TIME.

I HAVE A COMPLETE OPPOSITE VIEW
FOR SEVERAL REASONS, NUMBER ONE
BEING BELIEVE IT OR NOT WE
CANNOT TRUST ALL FILERS.
WE INCUR A LOT OF MISTAKES OF
THE CLERK'S OFFICE SO WE ARE
VERY FAMILIAR WITH THAT LAW
UNFORTUNATELY SO HERE'S THE
PROBLEM.

YOU HAVE TWO DOCUMENTS.
YOU KNOW WHAT'S MY CLERKS FROM
OUR EXPERIENCE AND ALL THE
STEAKS THAT OCCUR, WE ARE
SUPPOSED TO HAVE THE ORIGINAL
COURT RECORD HERE FOR THE COURT
TO RELY ON, WHEN WE GET THESE
TWO DOCUMENTS THE FIRST
QUESTION IS ARE THESE EVEN THE
SAME?

IF YOU THINK YOU JUST SPED IT
UP YOU WILL HAVE A CLERK IF
THEY ARE DILIGENT LOOKING FROM
ONE DOCUMENT TO THE OTHER IS
THIS EVEN THE SAME.

WHAT DO WE DO IF SOMEONE IN THE
SECOND DOCUMENT DID THIS?
THAT IS ONE THING.

NUMBER 2, THAT ASSUMES EVERY
FILER HAS THE BEST INTEREST OF
THE VICTIM AT HEART AND IS
QUITE NUANCED FIGURING OUT WHAT
WOULD OR WOULD NOT DISCLOSE
SOMEONE'S LOCATION OR IDENTITY,
THEREFORE WE ARE ASSUMING THEY
ARE BETTER AT DETERMINING THAT.
AT LEAST FOR OURSELVES WE CAN
SAY IT IS GRAY A LITTLE BIT BUT
WE'VE BEEN DOING IT FOR YEARS

AND YEARS AS WE HAVE
HISTORICALLY BEEN IN THIS RULE.
I DON'T KNOW WHO THESE FILERS
ARE IF IT IS COMING FROM AN
OPPOSING SITE WHERE THEY ARE
NOT IN THE BEST INTEREST OF THE
VICTIM, IS BETTER DONE THAN WE
ARE.

THE CONSTITUTIONAL AMENDMENT
PASSED, THEY HAVE THEIR
INFORMATION PROTECTED.
THEY ARE LOOKING AT CLERKS TO
PERFORM THIS.

INTERESTING TO EXPLAIN, WE
COULD SEE THEY MISSED THE MAIN
THING THAT GOT YOU FOUND AND
HEARD, SORRY FOR YOUR LUCK, WE
RELY ON THE REJECTED VERSION.

>> IF YOU WILL GO AHEAD AND
SOME UP.

>> THANK YOU.

THAT WAS MY LAST COMMENT, THANK
YOU SO MUCH.

>> THANK YOU.

NOW WE GO BACK TO THE
COMMITTEE.

>> MISTER SMITH -- MISTER
MICHAEL SCHMID, YOUR MUTED.

>> I APOLOGIZE, YOUR HONOR.

ONE OF THE THINGS WE HEARD A
LOT IS THE STATE OF ACCESS IN
THE COALITION, PRIMARY CONCERN.

I BELIEVE THIS RULE TAKES A
BALANCED APPROACH TO CONSIDER
NOT ONLY THE RIGHTS OF THE
CRIME VICTIM WHICH ARE NOW
CONSTITUTIONAL RIGHTS TO BE
PROTECTED THE SAME AS A
DEFENDANT'S RIGHTS AND THEY
ALSO BALANCE THE PUBLIC'S RIGHT
TO THIS INFORMATION AND WE HAVE
TO UNDERSTAND AT TIMES THERE
WILL BE A SLIGHT DELAY, MAYBE.
AT THIS POINT A LOT OF WHAT THE
NEWS MEDIA HAS BROUGHT FORTH IS
SPECULATION.

I WOULD SAY THE EXPERTS IN THE
FIELD, THE CLERKS OF THE COURT
DON'T SHARE THAT CONCERN, THE
CLERKS OF THE COURT HAVE
EXPRESSLY STATED THEY DO NOT
HAVE CONCERN OVER THIS WILL,
CURRENTLY MAKING REDACTION
SIMILAR THAT ARE IN PLACE TO

THIS RULE AND IT WAS OVER
CURRENT PROCEDURES WE ARE
CURRENTLY USING IN THIS WILL
NOT BE AN UNNECESSARY DELAY OR
BURDEN TO THE CLERK'S OFFICE.

I BELIEVE A PROPOSED FULL --
WILL NOT DELAY ACCESS.

WE NEED TO TALK BRIEFLY ABOUT
AGAIN THE UNIFORM AFFIDAVIT OF
THE INITIAL CHARGING DOCUMENT
BECAUSE THERE SEEMS TO HAVE
BEEN A LOT OF CONVERSATION
ABOUT THAT.

UNDERSTAND INITIALLY WHEN AN
OFFICER FILES A CRIMINAL REPORT
AFFIDAVIT EVERY SINGLE
JURISDICTION HAS DEVELOPED
THEIR OWN FORM AND MOST OF THEM
ARE ELECTRONIC.

TYPICALLY WHAT THEY ALL LOOK
LIKE AND THEY LOOK VERY MUCH
THE SAME, THERE IS A PARAGRAPH
WHERE AN OFFICER WILL WRITE
DEFENDANT STRUCK VICTIM AGAINST
HIS OR HER WILL AND THIS
OCCURRED ON MARCH 3RD, 2021.

THEN AT THE BOTTOM PORTION
THERE'S A SECTION WHERE THEY
CAN LIST VICTIMS INFORMATION.
THEY MAY PROVIDE THE VICTIMS
INFORMATION, PROVIDE WITNESSES
INFORMATION AND THEN THERE CAN
BE A CHECKBOX OR THEY CAN WRITE
PROMINENTLY ON THE UAA CONTAINS
CONFIDENTIAL INFORMATION.
THAT INITIAL CHARGING DOCUMENT
BY LAW ENFORCEMENT IS 1 TO 2
PAGES TYPICALLY.

>> I ASSUME YOU HAVE NO
OBJECTION TO THE ADDITION OF
THE WORD PROMINENTLY?

>> NO, SIR.

I DON'T KNOW THAT IS NECESSARY
BUT I HAVE NO OBJECTION TO IT.
I DON'T KNOW IF THAT IS
SOMETHING LOCAL RULES WANT TO
ADDRESS BUT CLEARLY I HAVE NO
OBJECTIONS.

SO I BELIEVE THE UAA IS NOT
GOING TO CONTAIN MUCH
INFORMATION.

USUALLY THE VICTIM IS LISTED IN
THE LOWER PORTION SO IT WILL BE
VERY OBVIOUS FOR THE CLERKS TO

SAY WHO IS THE VICTIM?
THERE IS, VICTIM AND MAKE SURE
THEY REDACT THAT INFORMATION.
I DON'T BELIEVE THAT IS
SOMETHING -- THAT IS WHY WE SIT
INDICATE, DON'T HAVE TO MAKE
THIS NOTICE GO ALONG WITH IT
BECAUSE AGAIN OFFICERS ARE SET
UP TO FILE A PORTAL THEY SET UP
NOT THROUGH THE CLERK'S SYSTEM,
THEY WOULDN'T KNOW HOW TO FILE
CONFIDENTIAL INFORMATION OR
ADDITIONAL FILING DOCUMENTS.

>> YOU ARE NOW OVER YOUR
REBUTTAL.

WE HAVE GONE ON QUITE A WHILE
AT HAVE ANOTHER CASE SO IF YOU
WANT TO SUM UP IN 30 SECONDS.

>> I APPRECIATE THE TIME, IT IS
A WELL-BALANCED ROLE THAT
SERVES EVERYBODY'S INTERESTS.
WE BELIEVE THE RULE SHOULD PASS
AS IS BUT NO OBJECTION TO THE
COURT'S SUGGESTION AND WE THANK
THE CLERK FOR ITS TIME TODAY,
FOR ALL THE PARTICIPANTS WHO
PARTICIPATED THE FIRST SEVERAL
MONTHS AND WE APPRECIATE THE
FEEDBACK WE RECEIVED THROUGH
THIS PROCESS SO THANK YOU.

>> WE THANK ALL OF YOU FOR YOUR
PARTICIPATION IN THE ARGUMENT
TODAY AND ALSO GRATEFUL FOR
EVERYONE WHO HAS PLAYED A PART
IN THE PROCESS THAT LED UP TO
THE PROPOSAL OF THE RULE.