

COCLJ AUTOMATION ADVISORY COMMITTEE
MEETING – November 5th, 2010
Helena, Montana

MEMBERS PRESENT:

Lisa Mader, Court Administrator's Office
Chairperson, Judge Larry Carver
Judge Gregory P. Mohr
Sharon Skaggs, Yellowstone County Justice Court
Sheri Bishop, Gallatin County Justice Court
Jennifer Boschee, President of MJC&MCCA
Barb Pecos, Richland Co. Justice Court/Sidney City Court
Claudia Anderson, IT, Office of Court Administrator's Office
Marty, IT, Office of Court Administrator's Office

MEMBERS PRESENT BY VISION NET:

Thelma Keys-Nicol, Kalispell Municipal Court

GUESTS PRESENT:

Lois Menzies, Court Administrator

Meeting was called to Order by Chairperson Larry Carver at 9:00 A.M.

APPROVAL OF JULY 23RD, 2010 MINUTES.

Lisa asked the minutes reflect clarification on Page 2, Paragraph 3, that collection of bond is provided on an Excel spreadsheet in the import process. Minutes were approved as submitted.

PUBLIC COMMENT:

None.

JUDGE CARVER UPDATE:

Judge Carver addressed the fact that he could find nothing in the Statutes pertaining to *expungement* of a court record. In doing research, Judge Carver found a case "Vasquez -vs- State" that says it is not an inherent part of the court. The Court has no power to expunge criminal records unless statutorily required to do so. There is explicit language which gives mental health, drug courts and DUI courts authority to expunge records plus District Courts can expunge records. The problem with expunging the record in Full Court is that anything connected with that case is gone. Claudia has received phone calls regarding how to expunge a record. Judge Mohr believes there needs to be training as it is statutory in the Drug Court. Statute 44-5-202 MCA gives no authority to *expunge* a record and possibly the best way to deal with this in Full Court is to seal the record.

Judge Carver and Judge Mohr would take this issue to the Commission and then come back to this Committee for a policy. For now, the recommendation will be to seal the case and not expunge it.

The Committee was advised of vacancies on the committee: Judge Ortley was just elected to a District Judge position and Judge Seiffert did not win re-election of his position in Red Lodge. He felt the committee should make some recommendations in regards to filling these positions. This is an appointment that is made by the Commission.

UPDATE FROM LISA MADER:

Lisa inquired about the addition of a Forfeiture ROA code. Right now there is no event connected with the forfeiture button, but when the document is created an automatic ROA code could be created. One option is that verbiage would be created once the document is created, in other words no code just what verbiage was put in the document, or Lisa said they could create some kind of ROA code and at the bottom of the document you would put an @ and the ROA Code #. Claudia said an ROA would be helpful if you ever were going to do a search on those. Sharon Skaggs advised they have an ROA code to scan the forfeiture document to. Judge Carver wanted a date tied to that when the forfeiture notice was sent out. It is important to keep the 90 day deadline in mind, as that is when the actual forfeiture takes place. Some courts use the Reminder field for this date currently. One code discussed was SBNOTICE. Claudia believed it should be the same as the cash bond forfeiture, as SBFORF. The language should say surety bond forfeiture notice and the date. The notice is sent to the Bail Bondsman and the Defendant. It was decided the language would be: **Order of Bond Forfeiture Notice Sent.**

Lisa advised that Kelly Pierce will be resigning her position effective November 26th, 2010. She is a Full Court trainer and works closely with the courts. Lois Menzies added she believes this is a critical position that will be filled, but she did advise the committee that departments were encouraged to not fill positions as a method to try and balance the State Budget. Lisa noted that due to Karen Nelson's departure, she is assigned to a couple committees, the Nchip Grant committee and the TRCC Traffic Records Coordinating Committee and Lois has taken over the other duties.

ELECTRONIC REPORTING:

There are no plans currently to upgrade further courts to electronic reporting. There are 12 courts that report electronically, which is believed to report 70% of the transactions throughout the State. Greg Noose does not want any more courts to do electronic reporting due to the time involved when errors are processed through the Broker. This is a time consuming process. For example, Nebraska which is NE is NB in NCIC. The changes needed to fix these problems will be done through a grant that Driver Improvement has received. Lisa has submitted everything and hopes to hear soon on the approval of the grant, as the deadline is November 15th. Another issue is when Interlock is required, the report must **show a beginning date and an end date** and this is often not coming through. JSI is going to change the process so that it extracts all transactions that have no errors. Right now, once the program finds an error, it halts the process. The NCIC codes are in Full Court, but unfortunately if the wrong one is picked, it halts the process as well. Lisa advised there is some work that needs to be done before staff is ready to upgrade more courts to electronic reporting. The smaller courts are the ones that are not setup. Just to clarify the interlock dates, if you put in the beginning date, you must

enter an ending date. Sharon said they have left the dates off and they have not received an error.

Judge Carver noted that on a 2nd offense DUI, after 45 days the Judge can recommend an Interlock Device. Discussion was whether Full Court could automatically calculate the interlock device dates, but Lisa believed electronic reporting will fix this problem. Another issue is that the Bond Book needs some fixes in the miles over schedule and there will be a new statute table once this is fixed. The 12 courts electronically reporting still do not have the new statute table. Lisa wanted to involve all the players, such as the MHP and DMV before the bond book project is done. When Marty pushes the new bond book out, all the downstream systems must have it in place as well. After this meeting, Lisa will schedule a meeting with those groups so they can come up with a plan for getting all those tables in place.

BILLINGS MUNICIPAL

Lisa did get the final written approval from Judge Knisely. She is waiting on getting a final clarification from Melinda on some statutes, which Melinda has completed, but simply forgot to get back to Lisa. Once that is done, Claudia will set up the financials and do some testing. Lisa will obtain their UVC codes and make sure they are correct. There are 1500 infractions which will be sent to Greg Noose and these must also be added in the statute table, so they can be electronically reported. Then Lisa will get with Billings IT and work with them on the testing of citation imports. It will take a little longer for Greg Noose to get those 1500 statutes in his system. Judge Mohr inquired of the time line on this issue. Lisa can't speak for Greg's part of this project but Lisa and Claudia could have their end completed in 3 weeks or so. Claudia did state that Billings Municipal Court is still using unapplied receipts.

UPCOMING CONFERENCE FOR JUDGES AND CLERKS

Lisa said she would discuss the Central Repository, specifically replicating versus reporting. The clerks will receive training on imaging and e-mail out of Full Court. They will also have a CitePay demonstration. Lisa had a question on imaging; there is a prompt to the user to save as pdf. 98% of the courts are set to rtf. One court has a problem because her setting was pdf and she was having a problem with that in the documents. When you scan an image, it is saved as a tif, which means you cannot change it. Lisa said when you copy out of pdf; you lose all the formatting, which prompted this issue. When you e-mail a pdf document, it cannot be changed, but if you e-mail an rtf document which comes up in Word, it can be changed. She did not know if this was an issue or not. Lisa wanted to know if the settings in Full Court should remain the same and they just deal with the one Court.

When you create a document and make changes to it, you must save it and then image, to get all the changes you made in the image. Judge Carver brought up the issue of a signature on the document. Therefore, he prints it, signs it and then scans it to the case. Jennifer asked if anyone is using a digital signature. Lisa said there is a difference between electronic signatures. There are authenticated electronic signatures, which Full Court cannot do at this time. Jennifer wondered if the court seal could be put on it.

Judge Carver wondered why the Image button is there, since no one on the committee was using it.

Lisa reiterated that the committee does not want to change the setting in Full Court to pdf, but address the court that is having a problem at the present time.

DL SUSPENSION AND REINSTATEMENT FORM

Greg Noose intends to notify the Clerks at the conference that he will accept the old forms until January, but after that he will not accept them. Lisa said he does not want the form e-mailed, because of the personal information on the form. There is no easy way to encrypt e-mailing. Greg's idea was to use the State's File Transfer Server. Everyone who has an mt.gov address and/or county.org is able to use this service. Lisa explained you would go in, create the document and Driver Improvement will not require a signature on the document. You can save this document and image it to the case. Greg believes this becomes the original document.

In order to use the FTP service, you must save the document to another location. You have to log into FTP, you browse to the document, attach it and send it to the specific e-mail address. Greg Noose also wants the suspensions to go to one e-mail address and the reinstatements to go to another e-mail address. Training material could be developed for this procedure. Lisa said the other option is to have Marty query the database, look for the particular document and deliver it to Greg Noose in a secure fashion. Therefore, the courts would have to do nothing. Right now Marty was not sure how he would query the document, as one form is used for both purposes. Some research would be done to ID the particular document, such as the first document is probably the suspension and if he finds a second document, that one is probably a reinstatement.

Lisa said when the document is created; it must be saved first and then imaged for this to work. Judge Carver believed there needed to be a date somewhere advising him when it was sent. Lisa wondered why this would be beneficial because right now when electronic reporting takes place, the courts do not know that the data has gone in. Lisa commented they did stop the process through the Central Repository, but again nothing comes back showing a date sent. Lisa said they might be able to figure out something, whether an e-mail to the court, or another method.

Jennifer said she would print the DL suspension form out and then have the Judge sign it. She wondered if it was signed and then scanned back in, would they be able to pick it up that way. Lisa said the method would impact how Marty is going to find the document. Again, there are many courts out there without scanners and the Supreme Court does not have the budget to supply the courts with them. If the forms are printed out and signed by the Judge, there is no way to get that form into Full Court without a scanner.

Lisa does not know which courts have scanners. The courts purchased the scanners; therefore, the Supreme Court does not know who bought them. Judge Carver commented that the training on scanners is quick and easy. When the electronic reporting of DL suspensions and reinstatements is turned back on, there will not be signatures on those

either. Judge Carver added there must be a record due to the fact a defendant could be charged with driving while suspended and subjected to mandatory 2 days jail.

Lisa noted when they begin electronic reporting; the DL suspensions and reinstatements are picked up every 24 hours. That is providing there is no other issue with them. Barb advised that the defendant is not reinstated until he has paid whatever fee he owes with the Motor Vehicle Division. Sheri said they also advise the defendants to contact the Motor Vehicle Division to find out what they need before they are fully reinstated. Judge Carver said the license suspension is an Order signed by the Judge and then you Order the reinstatement of the driver's license. That is something that the clerks can't do, although, Sharon said they are allowed to sign the reinstatements.

Judge Mohr commented if the forms are electronically submitted, his Court would still keep a signed copy in the file. In the Motor Vehicle Division, someone is still working the suspensions and reinstatements daily. Judge Carver believes the best practice is to print the form out and have it signed by the Judge. Fish, Wildlife & Parks wants their forms sent to them by e-mail, and they did not have an issue about the personal information on the forms. Judge Carver said there aren't too many courts sending the FWP forms by e-mail, as they want to have the Judge's signature on the form.

Marty will demonstrate the DL suspension and DL reinstatement process at the next meeting. Lisa believes Marty would be able to have the project completed by January. Sheri wondered if the Motor Vehicle Division would still accept the old forms for reinstatement, if it was an issue that has been pending for some years. Would the court have to enter the information on a new form? Marty said there are two ways to ID the forms in a database, one is an ROA, however, some courts won't be scanning, so he will capture those documents through the document title. If there was a single method, it would have to be captured through the document title. Lisa wondered if their best practice might be to change the title to the document to DL Suspension and then change the title to DL Reinstatement. Judge Carver suggested Full Court change the title.

Judge Carver reiterated that the committee wants to go with Marty's plan and to have a demonstration of it at the next automation committee meeting. Lisa further stated that on the DL suspension form, the Rescind is on the bottom and Greg Noose wants the Rescind marked and then to FAX it in. Lisa felt that her department needed a meeting with Greg Noose before they started developing Marty's plan. Judge Carver wants Greg Noose in attendance at the next meeting.

All Justice Courts on the committee have now been updated with the MHP citation import. Lisa has requested a change from JSI in the import module, which would allow for multiple file layouts, so different agencies can import their citations. She also requested changes to the successful and error citation import reports.

MHP CITATION IMPORT PROGRAM

Marty advised when importing MHP citations, the voided citations must be dealt with in Full Court. This is especially true when a Court runs overdue. Marty said if the Court receives an e-mail regarding voids, then the citation is in Full Court. Lisa said there are two issues regarding Voided citations, the ones voided after being transmitted to the Court and those voided but not transmitted to the Court. The committee decided courts do not need to know about citations that were voided and never transmitted to them.

Major Butler, Norma and Sgt. Tenney with the Montana Highway Patrol attended the meeting by phone conference. Judge Carver wanted to compliment the Supreme Court on the citation import process. Lisa noted she is working with JSI to also allow for the import of citations from Fish, Wildlife & Parks and local Police and Sheriff Departments. Judge Carver said that FWP and the DOJ are very excited about the Smart Cop program and citation import.

Marty handed out a listing of citations that were voided this morning and he also handed out an example of e-mail that the court would receive regarding voided citations. 11 citations were voided, although, not all the courts are on import right now. One of the issues is to determine who is responsible in the citation void process. Marty asked Major Butler what their rules are regarding citation voids. Normally Marty does not receive this many voided citations.

Major Butler explained when officers void citations in the vehicle without supervisory authority; it could create problems later on. The MHP does not want to remove all the protections that are in place right now, especially in a situation where bond had been received. Major Butler wanted to know if the courts are burdened when a voided citation comes into the Full Court system. Judge Carver stated that out of 150 imports, he has had 2 voids. The problem occurred because the supervisor either forgot to void them, or was off shift for a couple days and the defendant appeared before the citations were voided. Otherwise, the voided citation does not cause his court any problem. Judge Carver would just as soon be notified by the issuing officer that he wants a citation voided. In both of these citations, the Defendant was issued a Citation for No Proof of Liability Insurance and as soon as the Officer was ready to hand the defendant his ticket, he found the proof needed.

Marty stated there were errors in the process pertaining to voids, but the process was fixed 3 weeks ago. In the past, especially with Yellowstone County Justice Court, the voids were not sent out promptly and now the e-mails are current. Marty said the Court will receive an e-mail from him on each and every separate voided citation. Marty said as an example today, Yellowstone Co. Justice Court had 3 voided citations, so they would receive 3 separate e-mails. Major Butler said the Yellowstone County Justice Court must involve their County Attorney's Office when a citation needs to be dismissed. Lisa advised the other courts around the State do not handle voided citations in that manner. At the last meeting, it was suggested that a finding of "dismissed by officer" be added to Full Court. Is the e-mail from Marty enough for the courts to add this finding?

Marty stated the court will receive an image of the citation, with a watermark of Voided. Judge Carver has always allowed the Officer to come to his court and ask that the Citation be voided. If the Officer has the authority to write a citation, he also has the authority to void it. Jennifer inquired if the e-mail would provide enough proof that the void was approved by a supervisor.

Sgt. Tenney spoke to fact that if a citation is voided and e-mail is sent to the courts by Marty, that that same e-mail could go to a supervisor. Judge Carver believes that the finding should be “voided” in Full Court. DMV would not receive a disposition of “void” as that is not a reportable finding. It was suggested that the finding read: voided by officer or voided by department. Claudia suggested finding of “voided by agency”.

Marty summarized that the courts would like the Montana Highway Patrol to supply the voided citations. They do not expect the officers to do any follow-up with the courts. The automated transfer of information regarding voided citations would be sufficient for the courts. Lisa reiterated a finding of “voided by agency” would be added to Full Court. Then if the court wants to, they can attach Marty’s e-mail to the citation. Judge Carver feels that follow-up from the Officer may need to take place in certain instances.

Sharon from Yellowstone County Justice Court said she would go back to Billings and talk to her Judges about this procedure and ask if it is acceptable to them, without an involvement from the County Attorney’s Office. Before this meeting, there was no option of “voided by agency” in the finding.

Marty wanted to discuss what happens when an Officer issues a citation and it is voided before it is transmitted. Currently, Marty believes that Norma does not send the citation, or any correspondence regarding the void. Norma verified this is true. Norma said the way it works is if the officer and his supervisor void a citation before they “pull” the records for transmitting, then the court never gets a copy of that particular citation. The courts agreed they do not want these transmitted.

Marty asked how the court would handle that situation when the Defendant immediately appeared in Court and there is no citation. Judge Carver said he would advise the Defendant to check back on the appearance date and if nothing has been filed in the Court on that date, then the issue is resolved, as there is no case. Any court would also have the option of contacting that particular officer.

Marty moved onto the next issue regarding a single defendant receiving multiple citations and these citations are transmitted over different days. Lisa noted she had contacted Sgt. Tenney about this and they preferred to keep the system they have in place, as they have already trained the officers. In Full Court, however, one case is made for the citations that were imported on day one, but on day two when the rest of the citations are transmitted, a new case is created in Full Court. Sharon stated this is not a problem in their court as they consolidate the cases. Judge Carver said there would be no issue with a defendant who shows up, but the defendant who does not show up would create problems in overdue processing. Two warrants would be issued and two suspensions,

even though, it was the same violation date. Lisa asked if this was just a training issue to the clerks.

Major Butler inquired if there are two cases with the same date and time, isn't there a way to merge those citations and he wanted to know how often this occurred. He said this situation happens with written tickets as well. Major Butler stated he taught the troopers to transmit the tickets daily and if they are not doing this, he would need to know why not. If the troopers are now advised to hold up the tickets, just in case he/she needs to issue the Defendant another one, more problems could occur. Lisa reiterated this will be a training issue, which will solve the problem.

Marty addressed expansion of the MHP project. Marty said at issue is adding additional courts and then adding other agencies, such as FWP, MCS, or local agencies. Norma is currently investigating how to get FWP and MCS added to the Smart Cop application. There are a few problems to solve before they will take place. But, the goal is to add these agencies. Lisa asked the current courts if the pilot is working successfully. Judge Carver stated that everyone is happy with the process and he believes they are ready to go across the State.

Judge Carver wants to go forward with the Highway Patrol imports and then add the other agencies later. Major Butler then addressed the committee as he learned of a few issues with FWP and MCS being added to Smart Cop. There are some physical computer switch issues, i.e. the gateway that all the computers are running on becomes unstable with more than 80 users on it. They have exceeded the 80 users on occasion just in their agency. There are some rewrites to that software, and that may resolve the problem. Therefore, FWP AND MCS will not be using Smart Cop until the issue is resolved.

Lisa asked Major Butler if he had input as to priorities and/or areas of the State. Major Butler wanted to do this geographically, to start somewhere in the state where there is a large concentration of troopers and then all the courts in that district would be turned on to citation import. Scott Tenney could answer the geographical issues. Lisa has 4 trainers ready to do this. Lisa and Scott would visit about how to get this handled. Marty suggested this process would not be mandatory for the courts. There may be courts that will not participate in this process. Major Butler agreed there is more than Teton County that will not want citation import.

Marty had one last issue, if certain elements are missing, such as a zip code in the defendant's address, the import proceeds normally, but follow-up processes such as overdue processing abort. Sgt. Tenney said if Marty would provide him with the fields that are mandatory, that information will get passed on to the troopers. Judge Carver noticed that some officer's write 61-8-312, truck speed, but the commercial vehicle is not checked. Major Butler and Sgt. Tenney said they would address this issue with the troopers. The committee will make note of any other issues and advise the MHP if needed.

Judge Carver commented to the Montana Highway Patrol that he has a problem when an out-of-state driver is written for “driving while suspended” and is released with a Notice to Appear. In that particular situation, the driver was cited, given an appearance date and no bond was collected. The defendant failed to appear in Court. Sharon advised they suspend the driver in Montana when that happens, and eventually this will bring results.

Marty then asked how the issue of roadside payment will be addressed. Major Butler and Sgt. Tenney said they are ready to get going on this project. Both Judge Carver and Major Butler agreed that training needs to be done first.

Roadside payments are accepted through Montana Interactive, which will accept credit and debit cards. No cash will be accepted by the Troopers. Sharon said in Yellowstone County their Treasurer is their bank. Claudia is working with their court to get them ready. Claudia said the courts should enter the payments in Full Court when they see the ACH transmittals. Lisa asked if they could expand roadside payments to the courts that have citation imports. When all issues have been resolved, the project will be released to the rest of the State.

Motion was made by Judge Mohr to make this a two step project, going forward with the import process and then put the roadside payments into the committee member courts. Seconded by Sheri Bishop and motion passed by entire committee.

Sgt. Tenney noted the troopers will need training when the roadside payment process is turned on. Lisa suggested she work with the MHP on getting the committee courts going on roadside payment first, and then work on the citation import process after that. She said this would prevent the problem of having trainers trying to do both projects at the same time. Judge Carver asked if this would cause the import process to be delayed, perhaps 4 months or longer. Judge Carver wondered if both projects could be done at the same time, going region by region on the citation import. Lisa wants to make sure that all trainers are up to speed.

Lisa and the Montana Highway Patrol will begin work to get as much done as possible before the Holiday season and before the legislature rolls into town. Again the committee thanks the Montana Highway Patrol as the process is working very well.

SCANNING

Jennifer introduced the problem of some courts having scanners, but they have never been trained to use them. The Board of the MJC&MCCA offered to help with the training of clerks on scanning. Lisa will obtain names of the clerks who need training on the scanners when she is at the Fall Conference. Lisa wants to remind everyone that when a court is thinking of getting a scanner they need to call the Supreme Court. The Supreme Court will place the order, but the City or County will be responsible for the \$900.00 cost per scanner. This is the cheapest route as well. Due to the Governor’s budget cuts, the Court Administrators office is not able to provide the scanners.

Judge Carver advised since he has begun scanning in his office, he is using e-mail for almost everything. All his decisions and notices are sent by e-mail. Claudia also said an advantage is that an ROA is placed on the case. Judge Carver wanted to know if the committee should send the information out to the courts, so they understand the situation. Lisa wants to work with Lois on this information sheet and bring it back to the committee.

Sharon commented before they use e-mail to notify Attorneys of court dates, or send Orders, they are required to sign a Waiver of right to receive service by mail. She provided the committee with a copy of that Waiver. Sharon also advised that her Court does not accept filings by e-mail. Jennifer explained that their Public Defender's Office is trying to go paperless, but they must either file in person, or by FAX, as e-mail is not an acceptable means to file at this time. Judge Carver believes this is an issue which needs to be resolved locally.

Lisa asked if the proper procedure was to make every ROA available for the clerks who are scanning. In the District Courts there are docROA codes and these are the only codes that are Image capable. That way they can look at the Register of Actions and see only their documents, as opposed to everything mixed in. They can then print out their Docket Register report with only documents. The other benefit to it is if you want to get a list of images that you have done in a particular day or on a particular case, you can do that by clicking the docROA. Judge Carver said he would rather have all ROAs available, so he could use the one he wants. Jennifer believed they would like all ROAs available. Lisa said there could be a problem if the clerks use different ROAs, instead of using a standard ROA. The standard ROAs would work better for printing a report later on down the road. Claudia said the ROAs in the Ltd. Jurisdiction Courts are not as standard as they are in District Court.

Claudia stated she gets many requests from clerks to run a report of defendants who have had their driver's license suspended. If that document was attached to a standard ROA, it could be done easily. Lisa said the District Court created a list of doc codes, with specific language. For that specific code, a list was written with the documents that should be attached. Claudia brought up the fact that when the data is converted into Enterprise, there may be problems since some of the Courts have added their own ROAs.

Marty cautioned when the courts go to e-filing, standard ROAs will be necessary. Lisa said the first 10 courts were not standard. As issues came up from not being standard, a set of standard ROAs was developed. However, courts had access to the ROA table. Some courts are very interactive with the system and made changes to that table. The majority of the courts do have a standard set of ROAs. The Court Administrator's Office did have a standard set of ROAs, and all courts were initially installed with it.

Lisa asked the committee if for right now she can train the clerks on the scanner and open up all the ROAs to them, with the understanding that when a standard is in place, the ROAs available are going to change. The committee agreed to this strategy. Lisa suggested a working session on nothing but ROAs and documents.

Judge Carver commented on some of the statistics that have come out of the Central Repository and how they can be misrepresented. The PD office misrepresented the stats to the Legislature. They were looking for conviction data and they wanted to know how many people were incarcerated for certain violations. Example on Disorderly Conduct, the Public Defender's Office testified that 43% of these cases have been dismissed, which is not true. When Judge Carver and Karen researched the data, the cases were not dismissed, but were still pending with no conviction. Therefore, it is important that the Court Administrator's office know where these reports are going and for what purpose. Karen Nelson did agree to come back and testify to the legislature about the statistics and she did argue this point with Randy Hood from the PD office. Lisa said if requests for statistics come in, they will be forwarded to Lois and Marty.

STATUTE TABLE

Lisa wanted the committee to look at the statute table for CitePay. The question is which are available for pay on CitePay and which ones are not. CitePay will be demonstrated at the Fall Conference for clerks. At issue is the fact that right now the appearance field on the citations imported from MHP is ignored, because that information is already coming from the statute table. Claudia showed there are two places where you mark ineligible for CitePay payment. One is on the Party window, which blocks the party from making any payments to CitePay. The other is on the charge window, which just blocks that charge from CitePay. The committee passed a Motion that the mandatory appearance will be set pursuant to the Bond Schedule.

Sharon received e-mail from Jason Bright with CJIN regarding the issue where the payment is made on-line, but the Warrant is still entered in CJIN. This could lead to an unlawful arrest. He was especially concerned about weekends and holidays. Therefore, when a Warrant has been issued for a Defendant, the court should mark CitePay as ineligible. When the court is open and the case window is open, the clerk could allow a CitePay payment, but immediately notify Law Enforcement to remove the Warrant from CJIN. Judge Carver also noted there is usually a DL suspension with a Warrant as well.

Claudia wondered how that would work when overdue prints Warrants. Sharon suggested when Warrants are issued; they should be ineligible for on-line payments. When marked ineligible for e-payments, that pertains only to CitePay, not other credit card payment options. The advantage to using CitePay is that Full Court is automatically updated. Judge Carver asked if there could be a program change, to provide a pop-up in red when there is a mandatory appearance requirement. The Must Appear does show up on the charge window, but not on the 1st window (party window). Lisa said she might be able to get this in on the statewide CitePay contract. Marty could send the court a list of citations where mandatory appearance is checked. Judge Carver believes this is a short term fix. Jennifer wants to know how the court would know which charge was mandatory appearance. There is a comment field on the 1st window, which Marty showed the committee. Sheri thought once FWP goes on-line, the comment field could be used for the restitution amounts.

Lisa reiterated that her office is setting the statute table for CitePay the same as the Bond Schedule – the must appear (non-pay) and the eligible for payment on-line. They will also change the file layout to include the MHP must appear, which will mark the charge window. For a short term fix, Marty will provide a text file that these citations were marked as must appear. When the court receives this file, they will go into those cases in Full Court and make them ineligible for CitePay. Lisa will discuss this situation with CitePay and persuade them to make a program change that “must appear” will pop up in red on the party screen.

Marty did comment that the changes required to the import process will delay the release statewide. Marty advised that he will need at least 2 weeks to make these changes, and then the program must go into testing. Therefore, he thought the entire project would take between 3-4 weeks. In addition, the courts currently using the import process will need changes to their programs. Marty wanted to include the comment field in the import process, even if it is not used at this time.

Lisa said there was a short list of statutes that do not have anything in the appearance field. The committee members went through each statute to decide if there were any mandatory appearances to be marked not available for CitePay. Some of the statutes where the penalty was a warning for the first offense would be marked ineligible for CitePay.

When all merchant accounts are set up, it will take the trainers about 2 hours to get on the servers. Lisa talked about how to advertise CitePay and get the word out. The MHP will modify their citation and put a line that says “Can be paid on www. ___” It is suggested to put the link on the County web sites. Lisa said a link could be put on mt.gov. Recommendations from JSI were that the clerks can advise defendants of the web site when they call in. Other options include a message on the court phone system, stickers that can be put on time pay agreements, cards with the information on them for the jail, and posters in the court waiting area.

One option the courts have is whether or not they will accept partial payments. This will be a setup option. Therefore, the partial payments box will be left blank. When there is a time pay agreement entered in Full Court and the box is checked, the defendant will be allowed to make partial payments on CitePay.

It is the Court Administrator’s desire to have all the committee courts up and running on CitePay by the end of the year. Therefore, it’s possible the entire State could be set up in March 2011. Starting in January, courts will be regionally selected for installation of citation import of MHP tickets. Marty wondered what impact overdue processing had on these changes.

OVERDUE PROCESSING

The Court Administrators office is concerned about the opposition they may meet when implementing the new Overdue Processing rules that the committee voted on. In order to get the new Statute Table installed, the courts must accept the new Overdue Processing

rules. Lisa's asking that when her staff gets opposition from a Judge that the committee is willing to back them up. Claudia said FTA and FTP is set up for adults, but there are no rules for juveniles. Also, they have no rules for FTC, because complete by dates must be added. Current Overdue Processing does not handle FTC or handle juveniles.

Lisa asked if the juvenile setup for Overdue Processing should be the same as adult. Judge Mohr said the only thing different is the Warrant must be served when the defendant can be immediately brought before the Judge and not incarcerated. Thelma inquired about a change for juveniles since they also cannot be sent to Collections. Claudia said a separate juvenile setup would not send them to Collections. Judge Carver noted there is a non-collection module and a collection module and the change would be that juveniles do not go into collections.

Judge Mohr made a motion to add juveniles to the non-collection module, the same as adults for FTA and FTP, with the additional notice that the Warrant of Arrest is daytime only. Sheri seconded the motion. Motion passed.

Judge Schnowberger has called the Court Administrator's office and she is ready for the new rules. She has set up a collection process in her court and she wants to keep that. She also wants to keep her documents. Lisa said they have figured out how she can keep her documents. Judge Mohr believes she needs to come to the Committee. Judge Carver also suggested she come to the committee, so there is a full understanding of how she wants it to work.

NEXT MEETING DATE

Claudia said an entire day will need to be scheduled for ROAs. Tentatively, the meeting is scheduled for February 3rd and 4th, 2011. Lisa stated that Greg Noose would change his deadline date from January 1st, if the courts are not ready.

January 7th, 2011 at 9:00 A.M. in Helena – Next regular Automation Committee Meeting

Minutes submitted by member Barb Pepos