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By: **Delegates Bartlett, Anderson, Boutin, Bozman, Cardin, Cluster, Dwyer, Frank, Hogan, Kaiser, Kelly, Mayer, McComas, McKee, McMillan, Parrott, Ramirez, Ross, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stocksdale, Trueschler, Weir, and Zirkin**

Introduced and read first time: February 10, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Domestic Violence - Address Confidentiality Program**

3 FOR the purpose of requiring the Office of the Secretary of State to establish the  
4 Address Confidentiality Program for victims of domestic violence; stating the  
5 purpose of the Program; establishing eligibility requirements; establishing  
6 application and certification procedures; prohibiting false statements in an  
7 application; establishing certification cancellation procedures; authorizing a  
8 Program participant to request that certain agencies use a substitute address  
9 designated under the Program as the Program participant's address;  
10 establishing a method for certain agencies to apply for a waiver from the  
11 requirements of the Program; requiring that a certain address be used for voter  
12 registration and election-related purposes; prohibiting certain disclosures of a  
13 Program participant's address; providing a penalty for certain unauthorized  
14 disclosures of a Program participant's address; authorizing the Secretary of  
15 State to designate certain agencies and organizations to assist applicants  
16 applying to the Program; requiring the Secretary of State to adopt regulations to  
17 carry out this Act; defining certain terms; and generally relating to the Address  
18 Confidentiality Program.

19 BY repealing and reenacting, with amendments,  
20 Article - Election Law  
21 Section 3-506  
22 Annotated Code of Maryland  
23 (2003 Volume and 2004 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article - Family Law  
26 Section 4-513  
27 Annotated Code of Maryland  
28 (1999 Replacement Volume and 2004 Supplement)

1 BY adding to  
2 Article - Family Law  
3 Section 4-517 through 4-529, inclusive, to be under the new part "Part IV.  
4 Address Confidentiality Program"  
5 Annotated Code of Maryland  
6 (1999 Replacement Volume and 2004 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Election Law**

10 3-506.

11 (a) For the purpose of public inspection, original voter registration records:

12 (1) SUBJECT TO § 4-525(B) OF THE FAMILY LAW ARTICLE AND except  
13 upon the special order of the local board, shall be available at all times when a local  
14 board is open; and

15 (2) may not be removed from the office of the local board except:

16 (i) on order of a court; or

17 (ii) for temporary removal solely for purposes of data processing.

18 (b) The State Board shall adopt regulations relating to reasonable access by  
19 the public to original voter registration application forms.

20 **Article - Family Law**

21 4-513.

22 In this Part III AND IN PART IV of this subtitle, "victim of domestic violence"  
23 means an individual who has received deliberate, severe, and demonstrable physical  
24 injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury  
25 from a current or former spouse, or a current or former cohabitant, as defined in §  
26 4-501 of this subtitle.

27 **PART IV. ADDRESS CONFIDENTIALITY PROGRAM.**

28 4-517.

29 THE PURPOSE OF THIS PART IS TO ENABLE:

30 (1) STATE AND LOCAL AGENCIES TO RESPOND TO REQUESTS FOR  
31 PUBLIC RECORDS WITHOUT DISCLOSING THE LOCATION OF A VICTIM OF DOMESTIC  
32 VIOLENCE;

1 (2) INTERAGENCY COOPERATION IN PROVIDING ADDRESS  
2 CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE; AND

3 (3) STATE AND LOCAL AGENCIES TO ACCEPT A PROGRAM PARTICIPANT'S  
4 USE OF AN ADDRESS DESIGNATED BY THE OFFICE OF THE SECRETARY OF STATE AS  
5 A SUBSTITUTE ADDRESS.

6 4-518.

7 (A) IN THIS PART IV OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE  
8 MEANINGS INDICATED.

9 (B) "ACTUAL ADDRESS" MEANS A RESIDENTIAL STREET ADDRESS, SCHOOL  
10 ADDRESS, OR WORK ADDRESS OF AN INDIVIDUAL, AS SPECIFIED ON THE  
11 INDIVIDUAL'S APPLICATION TO BE A PROGRAM PARTICIPANT UNDER THIS PART.

12 (C) "DISABLED PERSON" HAS THE MEANING STATED IN § 13-101 OF THE  
13 ESTATES AND TRUSTS ARTICLE.

14 (D) "PROGRAM" MEANS THE ADDRESS CONFIDENTIALITY PROGRAM.

15 (E) "PROGRAM PARTICIPANT" MEANS A PERSON CERTIFIED AS A PROGRAM  
16 PARTICIPANT UNDER THIS PART.

17 4-519.

18 THE OFFICE OF THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER  
19 AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE.

20 4-520.

21 (A) ANY OF THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN  
22 THE PROGRAM:

23 (1) AN INDIVIDUAL ACTING ON THE INDIVIDUAL'S OWN BEHALF;

24 (2) A PARENT OR GUARDIAN ACTING ON BEHALF OF A MINOR WHO  
25 RESIDES WITH THE PARENT OR GUARDIAN; OR

26 (3) A GUARDIAN ACTING ON BEHALF OF A DISABLED PERSON.

27 (B) AN APPLICATION TO PARTICIPATE IN THE PROGRAM SHALL BE IN THE  
28 FORM REQUIRED BY THE SECRETARY OF STATE AND SHALL CONTAIN:

29 (1) A STATEMENT THAT:

30 (I) THE APPLICANT IS A VICTIM OF DOMESTIC VIOLENCE; AND

31 (II) THE APPLICANT FEARS FOR THE APPLICANT'S SAFETY OR THE  
32 SAFETY OF THE APPLICANT'S CHILD;

1           (2)     EVIDENCE THAT THE APPLICANT IS A VICTIM OF DOMESTIC  
2 VIOLENCE, INCLUDING:

3                   (I)     LAW ENFORCEMENT, COURT, OR OTHER FEDERAL OR STATE  
4 AGENCY RECORDS OR FILES;

5                   (II)    DOCUMENTATION FROM A DOMESTIC VIOLENCE PROGRAM; OR

6                   (III)   DOCUMENTATION FROM A RELIGIOUS, MEDICAL, OR OTHER  
7 PROFESSIONAL FROM WHOM THE APPLICANT HAS SOUGHT ASSISTANCE OR  
8 TREATMENT AS A VICTIM OF DOMESTIC VIOLENCE;

9           (3)     A STATEMENT THAT DISCLOSURE OF THE APPLICANT'S ACTUAL  
10 ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY OR THE SAFETY OF THE  
11 APPLICANT'S CHILD;

12           (4)     A DESIGNATION OF THE SECRETARY OF STATE AS AGENT FOR  
13 PURPOSES OF SERVICE OF PROCESS AND RECEIPT OF FIRST-CLASS, CERTIFIED, OR  
14 REGISTERED MAIL;

15           (5)     THE MAILING ADDRESS AND TELEPHONE NUMBER WHERE THE  
16 APPLICANT MAY BE CONTACTED BY THE SECRETARY OF STATE;

17           (6)     THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT BE  
18 DISCLOSED BY THE SECRETARY OF STATE BECAUSE IT WOULD INCREASE THE RISK  
19 OF DOMESTIC VIOLENCE;

20           (7)     A STATEMENT AS TO WHETHER THERE IS ANY EXISTING COURT  
21 ORDER OR PENDING COURT ACTION INVOLVING THE APPLICANT AND RELATED TO  
22 DIVORCE PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION,  
23 AND THE COURT THAT ISSUED THE ORDER OR HAS JURISDICTION OVER THE ACTION;

24           (8)     A SWORN STATEMENT BY THE APPLICANT THAT TO THE BEST OF  
25 THE APPLICANT'S KNOWLEDGE ALL OF THE INFORMATION CONTAINED IN THE  
26 APPLICATION IS TRUE;

27           (9)     THE SIGNATURE OF THE APPLICANT AND THE DATE ON WHICH THE  
28 APPLICANT SIGNED THE APPLICATION; AND

29           (10)    THE SIGNATURE OF ANY INDIVIDUAL OR REPRESENTATIVE OF AN  
30 OFFICE DESIGNATED IN WRITING UNDER § 4-528 OF THIS PART WHO ASSISTED THE  
31 APPLICANT IN PREPARING THE APPLICATION.

32   (C)   (1)     ON THE FILING OF A PROPERLY COMPLETED APPLICATION, THE  
33 SECRETARY OF STATE SHALL CERTIFY THE APPLICANT AS A PROGRAM PARTICIPANT.  
34 APPLICANTS SHALL BE CERTIFIED FOR 4 YEARS FROM THE DATE OF FILING UNLESS  
35 THE CERTIFICATION IS CANCELED OR WITHDRAWN PRIOR TO THE END OF THE  
36 4-YEAR PERIOD.

1 (2) A PROGRAM PARTICIPANT MAY WITHDRAW A CERTIFICATION BY  
2 FILING A SIGNED, NOTARIZED REQUEST FOR WITHDRAWAL WITH THE SECRETARY  
3 OF STATE.

4 4-521.

5 (A) ANY APPLICANT WHO FALSELY ATTESTS IN AN APPLICATION THAT  
6 DISCLOSURE OF THE APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE  
7 APPLICANT'S SAFETY OR THE SAFETY OF THE APPLICANT'S CHILD OR WHO  
8 KNOWINGLY PROVIDES FALSE INFORMATION WHEN APPLYING FOR CERTIFICATION  
9 OR RENEWAL SHALL LOSE CERTIFICATION IN THE PROGRAM.

10 (B) THE SECRETARY OF STATE SHALL INVESTIGATE ANY ALLEGATION OF A  
11 VIOLATION UNDER THIS SECTION.

12 (C) ON A FINDING THAT A VIOLATION HAS OCCURRED, THE SECRETARY OF  
13 STATE SHALL IMPOSE A CIVIL FINE AGAINST THE APPLICANT NOT EXCEEDING \$500.

14 4-522.

15 (A) IF A PROGRAM PARTICIPANT OBTAINS A LEGAL NAME CHANGE, THE  
16 PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE WITHIN 30 DAYS  
17 AND PROVIDE THE SECRETARY OF STATE WITH A CERTIFIED COPY OF ANY  
18 JUDGMENT OR ORDER EVIDENCING THE CHANGE OR ANY OTHER DOCUMENTATION  
19 THE SECRETARY OF STATE DEEMS TO BE SUFFICIENT EVIDENCE OF THE CHANGE.

20 (B) IF A PROGRAM PARTICIPANT MAKES A CHANGE IN ADDRESS OR  
21 TELEPHONE NUMBER FROM AN ADDRESS OR TELEPHONE NUMBER LISTED ON THE  
22 PROGRAM PARTICIPANT'S APPLICATION, THE PROGRAM PARTICIPANT SHALL NOTIFY  
23 THE SECRETARY OF STATE AT LEAST 7 DAYS BEFORE THE CHANGE OCCURS.

24 4-523.

25 (A) THE SECRETARY OF STATE SHALL CANCEL THE CERTIFICATION OF A  
26 PROGRAM PARTICIPANT IF:

27 (1) THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE SECRETARY OF  
28 STATE OF ANY LEGAL NAME CHANGE OR CHANGE IN ADDRESS OR TELEPHONE  
29 NUMBER IN THE MANNER REQUIRED BY § 4-522 OF THIS PART;

30 (2) THE PROGRAM PARTICIPANT FILES A REQUEST FOR WITHDRAWAL  
31 OF THE CERTIFICATION UNDER § 4-520(C)(2) OF THIS PART;

32 (3) THE PROGRAM PARTICIPANT SUBMITS FALSE INFORMATION IN  
33 APPLYING FOR CERTIFICATION TO THE PROGRAM IN VIOLATION OF § 4-521 OF THIS  
34 PART; OR

35 (4) THE SECRETARY OF STATE FORWARDS MAIL TO THE PROGRAM  
36 PARTICIPANT AND THE MAIL IS RETURNED AS UNDELIVERABLE.

1 (B) THE SECRETARY OF STATE SHALL SEND NOTICE OF ANY CANCELLATION  
2 OF CERTIFICATION TO THE PROGRAM PARTICIPANT AND SHALL SET FORTH THE  
3 REASON FOR CANCELLATION.

4 (C) A PROGRAM PARTICIPANT MAY APPEAL ANY CANCELLATION DECISION BY  
5 FILING AN APPEAL WITH THE SECRETARY OF STATE WITHIN 30 DAYS AFTER THE  
6 DATE OF THE NOTICE OF CANCELLATION IN ACCORDANCE WITH PROCEDURES  
7 DEVELOPED BY THE SECRETARY OF STATE.

8 (D) AN INDIVIDUAL WHO CEASES TO BE A PROGRAM PARTICIPANT IS  
9 RESPONSIBLE FOR NOTIFYING ANY PERSON WHO USES THE SUBSTITUTE ADDRESS  
10 DESIGNATED BY THE SECRETARY OF STATE THAT THE SUBSTITUTE ADDRESS IS NO  
11 LONGER VALID.

12 4-524.

13 (A) A PROGRAM PARTICIPANT MAY MAKE A REQUEST TO ANY STATE OR LOCAL  
14 AGENCY TO USE THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF  
15 STATE AS THE PROGRAM PARTICIPANT'S ADDRESS.

16 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN A PROGRAM  
17 PARTICIPANT HAS MADE A REQUEST TO A STATE OR LOCAL AGENCY UNDER  
18 SUBSECTION (A) OF THIS SECTION, THE STATE OR LOCAL AGENCY SHALL USE THE  
19 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE AS A PROGRAM  
20 PARTICIPANT'S ADDRESS.

21 (C) A STATE OR LOCAL AGENCY THAT HAS A BONA FIDE STATUTORY OR  
22 ADMINISTRATIVE REQUIREMENT FOR USING A PROGRAM PARTICIPANT'S ACTUAL  
23 ADDRESS MAY APPLY TO THE SECRETARY OF STATE FOR A WAIVER FROM THE  
24 REQUIREMENTS OF THE PROGRAM. IF THE SECRETARY OF STATE APPROVES THE  
25 WAIVER, THE STATE OR LOCAL AGENCY SHALL USE THE PROGRAM PARTICIPANT'S  
26 ACTUAL ADDRESS ONLY FOR THE REQUIRED STATUTORY OR ADMINISTRATIVE  
27 PURPOSES.

28 4-525.

29 (A) (1) EACH LOCAL BOARD OF ELECTIONS SHALL USE A PROGRAM  
30 PARTICIPANT'S ACTUAL ADDRESS FOR ALL ELECTION-RELATED PURPOSES.

31 (2) A PROGRAM PARTICIPANT MAY NOT USE THE SUBSTITUTE ADDRESS  
32 DESIGNATED BY THE SECRETARY OF STATE AS THE PROGRAM PARTICIPANT'S  
33 ADDRESS FOR VOTER REGISTRATION PURPOSES.

34 (B) A LOCAL BOARD OF ELECTIONS MAY NOT MAKE A PROGRAM  
35 PARTICIPANT'S ADDRESS CONTAINED IN VOTER REGISTRATION RECORDS  
36 AVAILABLE FOR PUBLIC INSPECTION OR COPYING, EXCEPT:

37 (1) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW  
38 ENFORCEMENT PURPOSES; AND

1 (2) AS DIRECTED BY A COURT ORDER TO DISCLOSE THE ADDRESS.

2 4-526.

3 (A) EXCEPT AS OTHERWISE PROVIDED BY THIS PART, A PROGRAM  
4 PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER MAINTAINED BY THE  
5 SECRETARY OF STATE OR A STATE OR LOCAL AGENCY IS NOT A PUBLIC RECORD  
6 WITHIN THE MEANING OF § 10-611 OF THE STATE GOVERNMENT ARTICLE.

7 (B) THE SECRETARY OF STATE MAY NOT DISCLOSE A PROGRAM  
8 PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER OR SUBSTITUTE  
9 ADDRESS, EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION AND:

10 (1) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW  
11 ENFORCEMENT PURPOSES;

12 (2) AS DIRECTED BY A COURT ORDER; OR

13 (3) ON REQUEST BY A STATE OR LOCAL AGENCY TO VERIFY A PROGRAM  
14 PARTICIPANT'S PARTICIPATION IN THE PROGRAM OR SUBSTITUTE ADDRESS FOR USE  
15 UNDER § 4-524 OF THIS PART.

16 (C) THE SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE COURT OF A  
17 PROGRAM PARTICIPANT'S CERTIFICATION IN THE PROGRAM AND OF THE  
18 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE IF, AT THE TIME  
19 OF APPLICATION, THE PROGRAM PARTICIPANT:

20 (1) IS SUBJECT TO A COURT ORDER RELATED TO DIVORCE  
21 PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION; OR

22 (2) IS INVOLVED IN A COURT ACTION RELATED TO DIVORCE  
23 PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION.

24 4-527.

25 (A) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY OBTAIN A  
26 PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM THE  
27 SECRETARY OF STATE OR ANY AGENCY WITHOUT AUTHORIZATION TO OBTAIN THE  
28 INFORMATION.

29 (B) (1) THIS SUBSECTION APPLIES ONLY WHEN AN EMPLOYEE OF THE  
30 SECRETARY OF STATE:

31 (I) OBTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR  
32 TELEPHONE NUMBER DURING THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES;  
33 AND

34 (II) AT THE TIME OF DISCLOSURE, HAS SPECIFIC KNOWLEDGE  
35 THAT THE ACTUAL ADDRESS OR TELEPHONE NUMBER BELONGS TO A PROGRAM  
36 PARTICIPANT.

1           (2)     AN EMPLOYEE OF THE SECRETARY OF STATE OR ANY AGENCY MAY  
2 NOT KNOWINGLY AND INTENTIONALLY DISCLOSE A PROGRAM PARTICIPANT'S  
3 ACTUAL ADDRESS OR TELEPHONE NUMBER TO ANOTHER PERSON UNLESS THE  
4 DISCLOSURE IS AUTHORIZED BY LAW.

5           (C)     A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
6 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500.

7 4-528.

8           THE SECRETARY OF STATE SHALL DESIGNATE STATE AND LOCAL AGENCIES  
9 AND NONPROFIT ORGANIZATIONS THAT PROVIDE COUNSELING AND SHELTER  
10 SERVICES TO VICTIMS OF DOMESTIC VIOLENCE TO ASSIST INDIVIDUALS WHO APPLY  
11 TO BE PROGRAM PARTICIPANTS. ANY ASSISTANCE AND COUNSELING RENDERED BY  
12 THE OFFICE OF THE SECRETARY OF STATE OR ITS DESIGNEES TO ANY APPLICANT  
13 MAY NOT BE CONSTRUED AS LEGAL ADVICE.

14 4-529.

15           THE SECRETARY OF STATE SHALL ADOPT REGULATIONS TO CARRY OUT THE  
16 PROVISIONS OF THIS PART.

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2005.