

(PRE-FILED)

By: **Senators Mooney, Colburn, Haines, Harris, Munson, Stone, and Green**

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Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 2006

CHAPTER _____

1 AN ACT concerning

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

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

17 BY repealing and reenacting, with amendments,
18 Article - Election Law
19 Section 3-505
20 Annotated Code of Maryland
21 (2003 Volume and 2005 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Family Law
24 Section 4-513

1 Annotated Code of Maryland
2 (2004 Replacement Volume and 2005 Supplement)

3 BY adding to
4 Article - Family Law
5 Section 4-519 through 4-530, inclusive, to be under the new part "Part IV.
6 Address Confidentiality Program"
7 Annotated Code of Maryland
8 (2004 Replacement Volume and 2005 Supplement)

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

11 **Article - Election Law**

12 3-505.

13 (a) The State Board shall adopt regulations for the retention and storage of
14 and reasonable access to original voter registration applications and other voter
15 registration records the State Board considers appropriate.

16 (b) (1) Voter registration records stored and retained in a local board office
17 shall be open to public inspection.

18 (2) For the purpose of public inspection, original voter registration
19 records:

20 (i) SUBJECT TO § 4-527(B) OF THE FAMILY LAW ARTICLE AND
21 except upon the special order of the local board, shall be available at all times when a
22 local board is open; and

23 (ii) may not be removed from the office of the local board except:

24 1. on order of a court; or

25 2. for temporary removal solely for purposes of data
26 processing.

27 (c) (1) Consistent with regulations adopted by the State Board, local boards
28 shall maintain for at least 2 years all records concerning programs to ensure the
29 accuracy and currency of the statewide voter registration list.

30 (2) Except for records concerning a declination to register or the identity
31 of a voter registration agency through which a particular voter applies for
32 registration, the records described in paragraph (1) of this subsection are accessible
33 under Title 10, Subtitle 6, Part III of the State Government Article (Access to Public
34 Records).

1

Article - Family Law

2 4-513.

3 In this Part III AND IN PART IV of this subtitle, "victim of domestic violence"
4 means an individual who has received deliberate, severe, and demonstrable physical
5 injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury
6 from a current or former spouse, or a current or former cohabitant, as defined in §
7 4-501 of this subtitle.

8 4-517. RESERVED.

9 4-518. RESERVED.

10

PART IV. ADDRESS CONFIDENTIALITY PROGRAM.

11 4-519.

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

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

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

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

20 (E) "PROGRAM PARTICIPANT" MEANS A PERSON CERTIFIED AS A PROGRAM
21 PARTICIPANT UNDER THIS PART.

22 4-520.

23 THE PURPOSE OF THIS PART IS TO ENABLE:

24 (1) STATE AND LOCAL AGENCIES TO RESPOND TO REQUESTS FOR
25 PUBLIC RECORDS WITHOUT DISCLOSING THE LOCATION OF A VICTIM OF DOMESTIC
26 VIOLENCE;

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

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

1 4-521.

2 THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER AN ADDRESS
3 CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE.

4 4-522.

5 (A) ANY OF THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN
6 THE PROGRAM:

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

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

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

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

13 (1) A STATEMENT THAT:

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

15 (II) THE APPLICANT FEARS FOR THE APPLICANT'S SAFETY OR THE
16 SAFETY OF THE APPLICANT'S CHILD;

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

19 (I) LAW ENFORCEMENT, COURT, OR OTHER FEDERAL OR STATE
20 AGENCY RECORDS OR FILES;

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

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

25 (3) A STATEMENT THAT DISCLOSURE OF THE APPLICANT'S ACTUAL
26 ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY OR THE SAFETY OF THE
27 APPLICANT'S CHILD;

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

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

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

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

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

11 (9) THE SIGNATURE OF THE APPLICANT AND THE DATE ON WHICH THE
12 APPLICANT SIGNED THE APPLICATION.

13 (C) (1) (I) ON THE FILING OF A PROPERLY COMPLETED APPLICATION,
14 THE SECRETARY OF STATE SHALL CERTIFY THE APPLICANT AS A PROGRAM
15 PARTICIPANT.

16 (II) APPLICANTS SHALL BE CERTIFIED FOR 4 YEARS FROM THE
17 DATE OF FILING UNLESS THE CERTIFICATION IS CANCELED OR WITHDRAWN PRIOR
18 TO THE END OF THE 4-YEAR PERIOD.

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

22 4-523.

23 (A) IF AN APPLICANT FALSELY ATTESTS IN AN APPLICATION THAT
24 DISCLOSURE OF THE APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE
25 APPLICANT'S SAFETY OR THE SAFETY OF THE APPLICANT'S CHILD OR KNOWINGLY
26 PROVIDES FALSE INFORMATION WHEN APPLYING FOR CERTIFICATION OR RENEWAL,
27 THE APPLICANT SHALL LOSE CERTIFICATION IN THE PROGRAM.

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

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

32 4-524.

33 (A) IF A PROGRAM PARTICIPANT OBTAINS A LEGAL NAME CHANGE, THE
34 PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE WITHIN 30 DAYS
35 AND PROVIDE THE SECRETARY OF STATE WITH A CERTIFIED COPY OF ANY
36 JUDGMENT OR ORDER EVIDENCING THE CHANGE OR ANY OTHER DOCUMENTATION
37 THE SECRETARY OF STATE CONSIDERS TO BE SUFFICIENT EVIDENCE OF THE
38 CHANGE.

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

5 4-525.

6 (A) THE SECRETARY OF STATE SHALL CANCEL THE CERTIFICATION OF A
7 PROGRAM PARTICIPANT IF:

8 (1) THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE SECRETARY OF
9 STATE OF ANY LEGAL NAME CHANGE OR CHANGE IN ADDRESS OR TELEPHONE
10 NUMBER IN THE MANNER REQUIRED BY § 4-524 OF THIS PART;

11 (2) THE PROGRAM PARTICIPANT FILES A REQUEST FOR WITHDRAWAL
12 OF THE CERTIFICATION UNDER § 4-522(C)(2) OF THIS PART;

13 (3) THE PROGRAM PARTICIPANT SUBMITS FALSE INFORMATION IN
14 APPLYING FOR CERTIFICATION TO THE PROGRAM IN VIOLATION OF § 4-523 OF THIS
15 PART; OR

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

18 (B) THE SECRETARY OF STATE SHALL SEND NOTICE OF ANY CANCELLATION
19 OF CERTIFICATION TO THE PROGRAM PARTICIPANT AND SHALL SET FORTH THE
20 REASON FOR CANCELLATION.

21 (C) A PROGRAM PARTICIPANT MAY APPEAL ANY CANCELLATION DECISION BY
22 FILING AN APPEAL WITH THE SECRETARY OF STATE WITHIN 30 DAYS AFTER THE
23 DATE OF THE NOTICE OF CANCELLATION IN ACCORDANCE WITH PROCEDURES
24 DEVELOPED BY THE SECRETARY OF STATE.

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

29 4-526.

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

33 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN A PROGRAM
34 PARTICIPANT HAS MADE A REQUEST TO A STATE OR LOCAL AGENCY UNDER
35 SUBSECTION (A) OF THIS SECTION, THE STATE OR LOCAL AGENCY SHALL USE THE
36 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE AS A PROGRAM
37 PARTICIPANT'S ADDRESS.

1 (C) A STATE OR LOCAL AGENCY THAT HAS A BONA FIDE STATUTORY OR
2 ADMINISTRATIVE REQUIREMENT FOR USING A PROGRAM PARTICIPANT'S ACTUAL
3 ADDRESS MAY APPLY TO THE SECRETARY OF STATE FOR A WAIVER FROM THE
4 REQUIREMENTS OF THE PROGRAM. IF THE SECRETARY OF STATE APPROVES THE
5 WAIVER, THE STATE OR LOCAL AGENCY SHALL USE THE PROGRAM PARTICIPANT'S
6 ACTUAL ADDRESS ONLY FOR THE REQUIRED STATUTORY OR ADMINISTRATIVE
7 PURPOSES.

8 4-527.

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

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

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

17 (1) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW
18 ENFORCEMENT PURPOSES; AND

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

20 4-528.

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

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

28 (1) (I) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW
29 ENFORCEMENT PURPOSES; AND

30 (II) AS DIRECTED BY A COURT ORDER; OR

31 (2) ON REQUEST BY A STATE OR LOCAL AGENCY TO VERIFY A PROGRAM
32 PARTICIPANT'S PARTICIPATION IN THE PROGRAM OR SUBSTITUTE ADDRESS FOR USE
33 UNDER § 4-526 OF THIS PART.

34 (C) THE SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE COURT OF A
35 PROGRAM PARTICIPANT'S CERTIFICATION IN THE PROGRAM AND OF THE
36 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE IF, AT THE TIME
37 OF APPLICATION, THE PROGRAM PARTICIPANT:

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

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

5 4-529.

6 (A) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY OBTAIN A
7 PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM THE
8 SECRETARY OF STATE OR ANY AGENCY WITHOUT AUTHORIZATION TO OBTAIN THE
9 INFORMATION.

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

12 (I) OBTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR
13 TELEPHONE NUMBER DURING THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES;
14 AND

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

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

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

24 4-530.

25 THE SECRETARY OF STATE SHALL ADOPT REGULATIONS TO CARRY OUT THE
26 PROVISIONS OF THIS PART.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2006.