

SENATE BILL 109

P3, D4

11r0080

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Secretary of State)**

Requested: September 26, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Secretary of State – Address Confidentiality Programs – Merger of Programs**
3 **and Expanded Participant Eligibility**

4 FOR the purpose of merging the Address Confidentiality Program and the Human
5 Trafficking Address Confidentiality Program into a single Address Confidentiality
6 Program administered by the Secretary of State; expanding certain eligibility
7 requirements for the Address Confidentiality Program to include certain individuals;
8 repealing the requirement that a request by a Program participant to withdraw from
9 the Address Confidentiality Program be notarized; repealing a requirement that the
10 Secretary of State cancel the participation of a Program participant under certain
11 circumstances; authorizing the Secretary of State to cancel the participation of a
12 Program participant under certain circumstances; defining certain terms; altering
13 certain definitions; making certain technical changes; and generally relating to
14 address confidentiality programs administered by the Secretary of State.

15 BY repealing

16 Article – Family Law

17 Section 4–519 through 4–531 and the part “Part IV. Address Confidentiality
18 Program”

19 Annotated Code of Maryland

20 (2019 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Election Law

23 Section 1–101(a)

24 Annotated Code of Maryland

25 (2017 Replacement Volume and 2020 Supplement)

26 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Election Law
2 Section 1–101(b–1)
3 Annotated Code of Maryland
4 (2017 Replacement Volume and 2020 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Family Law
7 Section 4–513
8 Annotated Code of Maryland
9 (2019 Replacement Volume and 2020 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – Real Property
12 Section 3–114(a)
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2020 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Real Property
17 Section 3–114(c) and (d)
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – State Government
22 Section 7–301 through 7–304 and 7–307 to be under the amended subtitle “Subtitle
23 3. Address Confidentiality Program”
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2020 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That Section(s) 4–519 through 4–531 and the part “Part IV. Address Confidentiality
28 Program” of Article – Family Law of the Annotated Code of Maryland be repealed.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
30 as follows:

31 Article – Election Law

32 1–101.

33 (a) In this article the following words have the meanings indicated unless a
34 different meaning is clearly intended from the context.

35 (b–1) “Address confidentiality program” means[:

36 (1)] the Address Confidentiality Program [for victims of domestic violence

1 under Title 4, Subtitle 5, Part IV of the Family Law Article; or

2 (2) the Human Trafficking Address Confidentiality Program]
3 **ADMINISTERED BY THE SECRETARY OF STATE** under Title 7, Subtitle 3 of the State
4 Government Article.

5 **Article – Family Law**

6 4–513.

7 In this Part III [and in Part IV] of this subtitle, “victim of domestic violence” means
8 an individual who has received deliberate, severe, and demonstrable physical injury, or is
9 in fear of imminent deliberate, severe, and demonstrable physical injury from a current or
10 former spouse, or a current or former cohabitant, as defined in § 4–501 of this subtitle.

11 **Article – Real Property**

12 3–114.

13 (a) In this part the following words have the meanings indicated.

14 (c) “Actual address” means a residential street address, school address, or work
15 address of an individual, as specified on the individual’s application to be a program
16 participant under [Title 4, Subtitle 5, Part IV of the Family Law Article or] Title 7, Subtitle
17 3 of the State Government Article.

18 (d) “Address Confidentiality Program” means[:

19 (1) The Address Confidentiality Program for victims of domestic violence
20 administered by the Secretary under Title 4, Subtitle 5, Part IV of the Family Law Article;
21 or

22 (2) The Human Trafficking Address Confidentiality Program administered
23 by the Secretary under Title 7, Subtitle 3 of the State Government Article] **THE ADDRESS**
24 **CONFIDENTIALITY PROGRAM FOR SURVIVORS OF THREATENED, ATTEMPTED, OR**
25 **ACTUAL DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING, HARASSMENT, OR**
26 **HUMAN TRAFFICKING ADMINISTERED BY THE SECRETARY UNDER TITLE 7,**
27 **SUBTITLE 3 OF THE STATE GOVERNMENT ARTICLE.**

28 **Article – State Government**

29 Subtitle 3. [Human Trafficking] Address Confidentiality Program.

30 7–301.

31 (a) In this subtitle the following words have the meanings indicated.

1 (b) "Actual address" means a residential street address, school address, or work
2 address of an individual as specified on the individual's application to be a Program
3 participant under this subtitle.

4 (c) "Disabled person" has the meaning stated in § 13-101 of the Estates and
5 Trusts Article.

6 (D) "DOMESTIC VIOLENCE" HAS THE SAME MEANING AS "ABUSE" UNDER §
7 4-501(B) OF THE FAMILY LAW ARTICLE.

8 (E) "HARASSMENT" MEANS A VIOLATION OF § 3-803 OF THE CRIMINAL LAW
9 ARTICLE.

10 [(d)] (F) "Program" means the [Human Trafficking] Address Confidentiality
11 Program.

12 [(e)] (G) "Program participant" means an individual designated as a Program
13 participant under this subtitle.

14 (H) "SEXUAL ASSAULT" MEANS A SEXUAL CRIME UNDER § 3-303 THROUGH
15 § 3-310, § 3-314, § 3-315, OR § 3-322 THROUGH § 3-325 OF THE CRIMINAL LAW
16 ARTICLE, THE SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THE CRIMINAL LAW
17 ARTICLE, OR THE SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3-604 OF THE
18 CRIMINAL LAW ARTICLE.

19 (I) "STALKING" HAS THE MEANING STATED IN § 3-802 OF THE CRIMINAL
20 LAW ARTICLE.

21 [(f)] (J) ["Victim"] "SURVIVOR of human trafficking" means an individual who
22 has been recruited, harbored, transported, provided, or obtained for labor, services, or a
23 sexual act through the use of force, fraud, or coercion.

24 7-302.

25 The purpose of this subtitle is to enable:

26 (1) State and local agencies to respond to requests for public records
27 without disclosing the location of a [victim of human trafficking] PROGRAM
28 PARTICIPANT;

29 (2) interagency cooperation in providing address confidentiality for
30 [victims of human trafficking] PROGRAM PARTICIPANTS;

31 (3) State and local agencies and private entities to accept a Program

1 participant's use of an address designated by the Office of the Secretary of State as a
2 substitute address; and

3 (4) a Program participant to use an address designated by the Office of the
4 Secretary of State as a substitute address.

5 7-303.

6 The Secretary of State shall establish and administer [a Human Trafficking] AN
7 Address Confidentiality Program for [victims] **SURVIVORS of THREATENED,**
8 **ATTEMPTED, OR ACTUAL DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING,**
9 **HARASSMENT, OR** human trafficking.

10 7-304.

11 (a) The following individuals may apply to participate in the Program:

12 (1) an individual acting on the individual's own behalf;

13 (2) a parent or guardian acting on behalf of a minor who resides with the
14 parent or guardian; [or]

15 (3) a guardian acting on behalf of a disabled person; **OR**

16 (4) **AN INDIVIDUAL WHO RESIDES IN THE SAME HOUSEHOLD AS AN**
17 **ELIGIBLE APPLICANT OR PROGRAM PARTICIPANT.**

18 (b) An application to participate in the Program shall be in the form required by
19 the Secretary of State and shall contain:

20 (1) a statement that:

21 (i) the applicant is a [victim] **SURVIVOR of THREATENED,**
22 **ATTEMPTED, OR ACTUAL DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING,**
23 **HARASSMENT, OR** human trafficking; and

24 (ii) the applicant fears for the applicant's safety, or the safety of the
25 applicant's child;

26 (2) evidence that the applicant is [a victim of human trafficking] **ELIGIBLE**
27 **FOR PROGRAM PARTICIPATION,** including:

28 (i) certified law enforcement, court, or other federal or State agency
29 records or files;

30 (ii) documentation from a **DOMESTIC VIOLENCE, SEXUAL**

1 **ASSAULT, OR** human trafficking prevention or assistance program; [or]

2 (iii) documentation from a religious, medical, or other professional
 3 from whom the applicant has sought assistance or treatment as a [victim] **SURVIVOR** of
 4 **THREATENED, ATTEMPTED, OR ACTUAL DOMESTIC VIOLENCE, SEXUAL ASSAULT,**
 5 **STALKING, HARASSMENT, OR** human trafficking; **OR**

6 (IV) **A STATEMENT FROM THE APPLICANT ABOUT THE**
 7 **APPLICANT'S SUBJECTIVE FEAR;**

8 (3) a statement that disclosure of the applicant's actual address would
 9 endanger the applicant's safety or the safety of the applicant's child;

10 (4) a knowing and voluntary designation of the Secretary of State as agent
 11 for purposes of service of process and receipt of first-class, certified, or registered mail;

12 (5) the mailing address and telephone number at which the applicant may
 13 be contacted by the Secretary of State;

14 (6) the actual address that the applicant requests not be disclosed by the
 15 Secretary of State because it would increase the risk of **DOMESTIC VIOLENCE, SEXUAL**
 16 **ASSAULT, STALKING, HARASSMENT,** human trafficking, or other crimes;

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

22 [(7)] (8) a sworn statement by the applicant that, to the best of the
 23 applicant's knowledge, all the information contained in the application is true;

24 [(8)] (9) the signature of the applicant and the date on which the
 25 applicant signed the application; and

26 [(9)] (10) a voluntary release and waiver of all future claims against the
 27 State that may arise from participation in the Program except for a claim based on gross
 28 negligence.

29 (c) (1) (i) On the filing of a properly completed application and release, the
 30 Secretary of State shall:

31 1. review the application and release; and

32 2. if the application and release are properly completed and
 33 accurate, designate the applicant as a Program participant.

1 (ii) An applicant shall be a participant for 4 years from the date of
2 filing unless the participation is canceled or withdrawn prior to the end of the 4-year
3 period.

4 (2) A Program participant may withdraw from participation by filing a
5 signed[, notarized] request for withdrawal with the Secretary of State.
6 7-307.

7 (a) The Secretary of State [shall] **MAY** cancel the participation of a Program
8 participant if:

9 (1) the Program participant fails to notify the Secretary of State of any
10 legal name change or change in address or telephone number in the manner required by §
11 7-306 of this subtitle;

12 (2) the Program participant files a request for withdrawal of participation
13 under § 7-304(c)(2) of this subtitle;

14 (3) the Program participant submits false information in applying for
15 participation in the Program in violation of § 7-305 of this subtitle; [or]

16 (4) the Secretary of State forwards mail to the Program participant and the
17 mail is returned as undeliverable; **OR**

18 **(5) THE SECRETARY OF STATE DETERMINES THAT THE PROGRAM**
19 **PARTICIPANT'S ACTUAL ADDRESS IS READILY ACCESSIBLE TO THE GENERAL**
20 **PUBLIC.**

21 (b) The Secretary of State shall send notice of any cancellation of participation in
22 the Program to the participant and shall set forth the reason for cancellation.

23 (c) A Program participant may appeal any cancellation decision by filing an
24 appeal with the Secretary of State within 30 days after the date of the notice of cancellation
25 in accordance with procedures developed by the Secretary of State.

26 (d) (1) An individual who ceases to be a Program participant is responsible for
27 notifying any person who uses the substitute address designated by the Secretary of State
28 that the substitute address is no longer valid.

29 (2) If an individual has requested the shielding of property records in
30 accordance with Title 3, Subtitle 1, Part II of the Real Property Article, the Secretary of
31 State shall give written notice to the clerk of the circuit court within 30 days after the
32 individual ceases to be a Program participant.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2021.