

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

Senate Bill 109

(Chair, Judicial Proceedings Committee)(By Request -  
Departmental - Secretary of State)

Judicial Proceedings

Judiciary

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**Secretary of State - Address Confidentiality Programs - Merger of Programs and  
Expanded Participant Eligibility**

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This departmental bill merges the Address Confidentiality Program for victims of domestic violence and the Human Trafficking Address Confidentiality Program for victims of human trafficking into a single Address Confidentiality Program administered by the Secretary of State (SOS). Program eligibility is expanded to include survivors of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking. Eligible applicants are expanded to include individuals who reside in the same household as an eligible applicant or program participant. The bill authorizes, instead of requires, SOS to cancel the participation of a program participant under specified circumstances and further authorizes SOS to cancel program participation if SOS determines that a program participant's actual address is readily accessible to the general public. Finally, the bill makes various conforming changes.

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**Fiscal Summary**

**State Effect:** The bill primarily codifies existing practice. Any increase in program participation due to expanded eligibility can be handled with existing budgeted resources. No effect on revenues.

**Local Effect:** The bill does not directly affect local government operations or finances.

**Small Business Effect:** SOS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

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## Analysis

**Current Law/Background:** The Address Confidentiality Program for victims of domestic violence, as codified under the Family Law Article, and the Human Trafficking Address Confidentiality Program for victims of human trafficking, as codified under the State Government Article, are both administered by SOS as the Maryland Safe at Home Address Confidentiality Program (ACP). SOS advises that it administers both programs as one, with the same director and staff, one budget, and with no distinction between human trafficking and domestic violence participants.

### *Maryland Safe at Home ACP*

The stated goal of ACP is to help victims of domestic violence and human trafficking, who have relocated or are about to relocate, in an effort to keep their perpetrators from finding them. ACP provides a substitute address for victims who have moved or are about to move to a new location unknown to their abuser, and it provides participants with a confidential mail-forwarding service for first-class mail and legal papers. An individual acting on his or her own behalf, a parent or guardian acting on behalf of a minor who resides with the parent or guardian, or a guardian acting on behalf of a disabled person may apply to participate in the program.

SOS collaborates with the District Court and the circuit courts, the Motor Vehicle Administration, the State Board of Elections, public schools, and other agencies to provide address confidentiality to program participants. In most cases, using the substitute address allows State and local agencies to respond to requests for public information without disclosing the participant's actual address.

SOS advises that, as of January 2021, there are 1,194 active participants in ACP. Additional information about ACP can be found on the program's [website](#).

### *Cancellation of Participation*

Under current law, SOS must cancel the participation of a program participant if (1) the participant fails to notify SOS of any legal name change or change in address or telephone number; (2) the participant files a request for withdrawal of participation; (3) the participant submits false information in applying for program participation; or (4) SOS forwards mail to the participant and the mail is returned as undeliverable. The bill authorizes, but does not require, SOS to cancel participation under these circumstances.

An individual who ceases to be a program participant is responsible for notifying any person who uses the substitute address designated by SOS that the address is no longer valid. If an individual has requested the shielding of property records as provided under

State law, SOS must give written notice to the clerk of the circuit court within 30 days after the individual ceases to be a program participant.

SOS must send notice of any cancellation of program participation to the participant and set forth the reason for cancellation. In accordance with procedures developed by SOS, a program participant may appeal any cancellation decision by filing an appeal with SOS within 30 days of the notice of cancellation.

SOS advises that the bill's authorization to cancel participation in the event a program participant's actual address becomes readily accessible to the general public is needed to ensure the efficient use of program resources and to avoid providing a false sense of security to program participants whose locations are no longer confidential.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Secretary of State; Maryland State Board of Elections; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 12, 2021  
rh/mcr Third Reader - February 2, 2021

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Secretary of State – Address Confidentiality Programs – Merger of Programs and Expanded Participant Eligibility

BILL NUMBER: SB 109

PREPARED BY: Secretary of State

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

**OR**

WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

This bill expands Address Confidentiality Program eligibility to threatened individuals who fear for their safety. While it will have no direct economic impact on small businesses, it may benefit certain small business owners or their employees if they qualify for address confidentiality. Program participants are authorized to use the substitute address provided by the Secretary of State as their home, work or school address. This may allow some small business owners to stay in business, or to open a small business, without fearing for their safety. In other circumstances, it may allow small businesses to keep current employees or to hire survivors of actual or threatened violence.