
By: **Senators Mooney, Hafer, Harris, Jacobs, Klausmeier, and Stone**
Introduced and read first time: January 31, 2003
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
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CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of requiring the Office of the Attorney General 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 Attorney
15 General to designate certain agencies and organizations to assist applicants
16 applying to the Program; requiring the Attorney General 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)

24 BY repealing and reenacting, with amendments,
25 Article - Family Law

1 Section 4-513
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2002 Supplement)

4 BY adding to
5 Article - Family Law
6 Section 4-517 through 4-529, inclusive, to be under the new part "Part IV.
7 Address Confidentiality Program"
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2002 Supplement)

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

12 **Article - Election Law**

13 3-506.

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

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

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

19 (i) on order of a court; or

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

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

23 **Article - Family Law**

24 4-513.

25 In this Part III AND IN PART IV of this subtitle, "victim of domestic violence"
26 means an individual who has received deliberate, severe, and demonstrable physical
27 injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury
28 from a current or former spouse, or a current or former cohabitant, as defined in §
29 4-501 of this subtitle.

PART IV. ADDRESS CONFIDENTIALITY PROGRAM.

1
2 4-517.

3 THE PURPOSE OF THIS PART IS TO ENABLE:

4 (1) STATE AND LOCAL AGENCIES TO RESPOND TO REQUESTS FOR
5 PUBLIC RECORDS WITHOUT DISCLOSING THE LOCATION OF A VICTIM OF DOMESTIC
6 VIOLENCE;

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

9 (3) STATE AND LOCAL AGENCIES TO ACCEPT A PROGRAM PARTICIPANT'S
10 USE OF AN ADDRESS DESIGNATED BY THE OFFICE OF THE ATTORNEY GENERAL AS A
11 SUBSTITUTE ADDRESS.

12 4-518.

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

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

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

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

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

23 4-519.

24 THE OFFICE OF THE ATTORNEY GENERAL SHALL ESTABLISH AND ADMINISTER
25 AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE.

26 4-520.

27 (A) ANY OF THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN
28 THE PROGRAM:

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

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

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

1 (B) AN APPLICATION TO PARTICIPATE IN THE PROGRAM SHALL BE IN THE
2 FORM REQUIRED BY THE ATTORNEY GENERAL AND SHALL CONTAIN:

3 (1) A STATEMENT THAT:

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

5 (II) THE APPLICANT FEARS FOR THE APPLICANT'S SAFETY OR THE
6 SAFETY OF THE APPLICANT'S CHILD;

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

9 (I) LAW ENFORCEMENT, COURT, OR OTHER FEDERAL OR STATE
10 AGENCY RECORDS OR FILES;

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

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

15 (3) A STATEMENT THAT DISCLOSURE OF THE APPLICANT'S ACTUAL
16 ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY OR THE SAFETY OF THE
17 APPLICANT'S CHILD;

18 (4) A DESIGNATION OF THE ATTORNEY GENERAL AS AGENT FOR
19 PURPOSES OF SERVICE OF PROCESS AND RECEIPT OF FIRST-CLASS, CERTIFIED, OR
20 REGISTERED MAIL;

21 (5) THE MAILING ADDRESS AND TELEPHONE NUMBER WHERE THE
22 APPLICANT MAY BE CONTACTED BY THE ATTORNEY GENERAL;

23 (6) THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT BE
24 DISCLOSED BY THE ATTORNEY GENERAL BECAUSE IT WOULD INCREASE THE RISK
25 OF DOMESTIC VIOLENCE;

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

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

33 (9) THE SIGNATURE OF THE APPLICANT AND THE DATE ON WHICH THE
34 APPLICANT SIGNED THE APPLICATION; AND

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

4 (C) (1) UPON FILING A PROPERLY COMPLETED APPLICATION, THE
5 ATTORNEY GENERAL SHALL CERTIFY THE APPLICANT AS A PROGRAM PARTICIPANT.
6 APPLICANTS SHALL BE CERTIFIED FOR 4 YEARS FROM THE DATE OF FILING UNLESS
7 THE CERTIFICATION IS CANCELED OR WITHDRAWN PRIOR TO THE END OF THE
8 4-YEAR PERIOD.

9 (2) A PROGRAM PARTICIPANT MAY WITHDRAW A CERTIFICATION BY
10 FILING A SIGNED, NOTARIZED REQUEST FOR WITHDRAWAL WITH THE ATTORNEY
11 GENERAL.

12 4-521.

13 (A) ANY APPLICANT WHO FALSELY ATTESTS IN AN APPLICATION THAT
14 DISCLOSURE OF THE APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE
15 APPLICANT'S SAFETY OR THE SAFETY OF THE APPLICANT'S CHILD OR WHO
16 KNOWINGLY PROVIDES FALSE INFORMATION WHEN APPLYING FOR CERTIFICATION
17 OR RENEWAL SHALL LOSE CERTIFICATION IN THE PROGRAM.

18 (B) THE ATTORNEY GENERAL SHALL INVESTIGATE ANY ALLEGATION OF A
19 VIOLATION UNDER THIS SECTION.

20 (C) UPON A FINDING THAT A VIOLATION HAS OCCURRED, THE ATTORNEY
21 GENERAL SHALL IMPOSE A CIVIL FINE AGAINST THE APPLICANT NOT EXCEEDING
22 \$500.

23 4-522.

24 (A) IF A PROGRAM PARTICIPANT OBTAINS A LEGAL NAME CHANGE, THE
25 PROGRAM PARTICIPANT SHALL NOTIFY THE ATTORNEY GENERAL WITHIN 30 DAYS
26 AND PROVIDE THE ATTORNEY GENERAL WITH A CERTIFIED COPY OF ANY JUDGMENT
27 OR ORDER EVIDENCING THE CHANGE OR ANY OTHER DOCUMENTATION THE
28 ATTORNEY GENERAL DEEMS TO BE SUFFICIENT EVIDENCE OF THE CHANGE.

29 (B) IF A PROGRAM PARTICIPANT MAKES A CHANGE IN ADDRESS OR
30 TELEPHONE NUMBER FROM AN ADDRESS OR TELEPHONE NUMBER LISTED ON THE
31 PROGRAM PARTICIPANT'S APPLICATION, THE PROGRAM PARTICIPANT SHALL NOTIFY
32 THE ATTORNEY GENERAL AT LEAST 7 DAYS BEFORE THE CHANGE OCCURS.

33 4-523.

34 (A) THE ATTORNEY GENERAL SHALL CANCEL THE CERTIFICATION OF A
35 PROGRAM PARTICIPANT IF:

36 (1) THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE ATTORNEY
37 GENERAL OF ANY LEGAL NAME CHANGE OR CHANGE IN ADDRESS OR TELEPHONE
38 NUMBER IN THE MANNER REQUIRED BY § 4-522 OF THIS PART;

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

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

6 (4) THE ATTORNEY GENERAL FORWARDS MAIL TO THE PROGRAM
7 PARTICIPANT AND THE MAIL IS RETURNED AS UNDELIVERABLE.

8 (B) THE ATTORNEY GENERAL SHALL SEND NOTICE OF ANY CANCELLATION
9 OF CERTIFICATION TO THE PROGRAM PARTICIPANT AND SHALL SET FORTH THE
10 REASON FOR CANCELLATION.

11 (C) A PROGRAM PARTICIPANT MAY APPEAL ANY CANCELLATION DECISION BY
12 FILING AN APPEAL WITH THE ATTORNEY GENERAL WITHIN 30 DAYS AFTER THE
13 DATE OF THE NOTICE OF CANCELLATION IN ACCORDANCE WITH PROCEDURES
14 DEVELOPED BY THE ATTORNEY GENERAL.

15 (D) AN INDIVIDUAL WHO CEASES TO BE A PROGRAM PARTICIPANT IS
16 RESPONSIBLE FOR NOTIFYING ANY PERSON WHO USES THE SUBSTITUTE ADDRESS
17 DESIGNATED BY THE ATTORNEY GENERAL THAT THE SUBSTITUTE ADDRESS IS NO
18 LONGER VALID.

19 4-524.

20 (A) A PROGRAM PARTICIPANT MAY MAKE A REQUEST TO ANY STATE OR LOCAL
21 AGENCY TO USE THE SUBSTITUTE ADDRESS DESIGNATED BY THE ATTORNEY
22 GENERAL AS THE PROGRAM PARTICIPANT'S ADDRESS.

23 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN A PROGRAM
24 PARTICIPANT HAS MADE A REQUEST TO A STATE OR LOCAL AGENCY UNDER
25 SUBSECTION (A) OF THIS SECTION, THE STATE OR LOCAL AGENCY SHALL USE THE
26 SUBSTITUTE ADDRESS DESIGNATED BY THE ATTORNEY GENERAL AS A PROGRAM
27 PARTICIPANT'S ADDRESS.

28 (C) A STATE OR LOCAL AGENCY THAT HAS A BONA FIDE STATUTORY OR
29 ADMINISTRATIVE REQUIREMENT FOR USING A PROGRAM PARTICIPANT'S ACTUAL
30 ADDRESS MAY APPLY TO THE ATTORNEY GENERAL FOR A WAIVER FROM THE
31 REQUIREMENTS OF THE PROGRAM. IF THE ATTORNEY GENERAL APPROVES THE
32 WAIVER, THE STATE OR LOCAL AGENCY SHALL USE THE PROGRAM PARTICIPANT'S
33 ACTUAL ADDRESS ONLY FOR THE REQUIRED STATUTORY OR ADMINISTRATIVE
34 PURPOSES.

35 4-525.

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

1 (2) A PROGRAM PARTICIPANT MAY NOT USE THE SUBSTITUTE ADDRESS
2 DESIGNATED BY THE ATTORNEY GENERAL AS THE PROGRAM PARTICIPANT'S
3 ADDRESS FOR VOTER REGISTRATION PURPOSES.

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

7 (1) UPON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW
8 ENFORCEMENT PURPOSES; AND

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

10 4-526.

11 (A) EXCEPT AS OTHERWISE PROVIDED BY THIS PART, A PROGRAM
12 PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER MAINTAINED BY THE
13 ATTORNEY GENERAL OR A STATE OR LOCAL AGENCY IS NOT A PUBLIC RECORD
14 WITHIN THE MEANING OF § 10-611 OF THE STATE GOVERNMENT ARTICLE.

15 (B) THE ATTORNEY GENERAL MAY NOT DISCLOSE A PROGRAM PARTICIPANT'S
16 ACTUAL ADDRESS OR TELEPHONE NUMBER OR SUBSTITUTE ADDRESS, EXCEPT AS
17 PROVIDED IN SUBSECTION (C) OF THIS SECTION AND:

18 (1) UPON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW
19 ENFORCEMENT PURPOSES;

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

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

24 (C) THE ATTORNEY GENERAL SHALL NOTIFY THE APPROPRIATE COURT OF A
25 PROGRAM PARTICIPANT'S CERTIFICATION IN THE PROGRAM AND OF THE
26 SUBSTITUTE ADDRESS DESIGNATED BY THE ATTORNEY GENERAL IF, AT THE TIME
27 OF APPLICATION, THE PROGRAM PARTICIPANT:

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

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

32 4-527.

33 (A) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY OBTAIN A
34 PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM THE
35 ATTORNEY GENERAL OR ANY AGENCY WITHOUT AUTHORIZATION TO OBTAIN THE
36 INFORMATION.

1 (B) (1) THIS SUBSECTION APPLIES ONLY WHEN AN EMPLOYEE OF THE
2 ATTORNEY GENERAL:

3 (I) OBTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR
4 TELEPHONE NUMBER DURING THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES;
5 AND

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

9 (2) AN EMPLOYEE OF THE ATTORNEY GENERAL OR ANY AGENCY MAY
10 NOT KNOWINGLY AND INTENTIONALLY DISCLOSE A PROGRAM PARTICIPANT'S
11 ACTUAL ADDRESS OR TELEPHONE NUMBER TO ANOTHER PERSON UNLESS THE
12 DISCLOSURE IS AUTHORIZED BY LAW.

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

15 4-528.

16 THE ATTORNEY GENERAL SHALL DESIGNATE STATE AND LOCAL AGENCIES AND
17 NONPROFIT ORGANIZATIONS THAT PROVIDE COUNSELING AND SHELTER SERVICES
18 TO VICTIMS OF DOMESTIC VIOLENCE TO ASSIST INDIVIDUALS WHO APPLY TO BE
19 PROGRAM PARTICIPANTS. ANY ASSISTANCE AND COUNSELING RENDERED BY THE
20 OFFICE OF THE ATTORNEY GENERAL OR ITS DESIGNEES TO ANY APPLICANT MAY
21 NOT BE CONSTRUED AS LEGAL ADVICE.

22 4-529.

23 THE ATTORNEY GENERAL SHALL ADOPT REGULATIONS TO CARRY OUT THE
24 PROVISIONS OF THIS PART.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2003.