

SENATE BILL 152

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SB 523/03 - JPR

2004 Regular Session  
4r1670

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By: **Senators Mooney, Harris, Jacobs, Munson, Stoltzfus, and Stone**  
Introduced and read first time: January 23, 2004  
Assigned to: Judicial Proceedings

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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 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 and 2003 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 2003 Supplement)

29 BY adding to  
30 Article - Family Law  
31 Section 4-517 through 4-529, inclusive, to be under the new part "Part IV.

1 Address Confidentiality Program"  
2 Annotated Code of Maryland  
3 (1999 Replacement Volume and 2003 Supplement)

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

6 **Article - Election Law**

7 3-506.

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

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

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

13 (i) on order of a court; or

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

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

17 **Article - Family Law**

18 4-513.

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

24 **PART IV. ADDRESS CONFIDENTIALITY PROGRAM.**

25 4-517.

26 THE PURPOSE OF THIS PART IS TO ENABLE:

27 (1) STATE AND LOCAL AGENCIES TO RESPOND TO REQUESTS FOR  
28 PUBLIC RECORDS WITHOUT DISCLOSING THE LOCATION OF A VICTIM OF DOMESTIC  
29 VIOLENCE;

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

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

4 4-518.

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

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

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

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

13 (E) "PROGRAM PARTICIPANT" MEANS A PERSON CERTIFIED AS A PROGRAM  
14 PARTICIPANT UNDER THIS PART.

15 4-519.

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

18 4-520.

19 (A) ANY OF THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN  
20 THE PROGRAM:

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

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

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

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

27 (1) A STATEMENT THAT:

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

29 (II) THE APPLICANT FEARS FOR THE APPLICANT'S SAFETY OR THE  
30 SAFETY OF THE APPLICANT'S CHILD;

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

1 (I) LAW ENFORCEMENT, COURT, OR OTHER FEDERAL OR STATE  
2 AGENCY RECORDS OR FILES;

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

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

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

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

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

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

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

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

25 (9) THE SIGNATURE OF THE APPLICANT AND THE DATE ON WHICH THE  
26 APPLICANT SIGNED THE APPLICATION; AND

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

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

35 (2) A PROGRAM PARTICIPANT MAY WITHDRAW A CERTIFICATION BY  
36 FILING A SIGNED, NOTARIZED REQUEST FOR WITHDRAWAL WITH THE ATTORNEY  
37 GENERAL.

1 4-521.

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

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

9 (C) ON A FINDING THAT A VIOLATION HAS OCCURRED, THE ATTORNEY  
10 GENERAL SHALL IMPOSE A CIVIL FINE AGAINST THE APPLICANT NOT EXCEEDING  
11 \$500.

12 4-522.

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

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

22 4-523.

23 (A) THE ATTORNEY GENERAL SHALL CANCEL THE CERTIFICATION OF A  
24 PROGRAM PARTICIPANT IF:

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

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

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

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

35 (B) THE ATTORNEY GENERAL SHALL SEND NOTICE OF ANY CANCELLATION  
36 OF CERTIFICATION TO THE PROGRAM PARTICIPANT AND SHALL SET FORTH THE  
37 REASON FOR CANCELLATION.

1 (C) A PROGRAM PARTICIPANT MAY APPEAL ANY CANCELLATION DECISION BY  
2 FILING AN APPEAL WITH THE ATTORNEY GENERAL WITHIN 30 DAYS AFTER THE  
3 DATE OF THE NOTICE OF CANCELLATION IN ACCORDANCE WITH PROCEDURES  
4 DEVELOPED BY THE ATTORNEY GENERAL.

5 (D) AN INDIVIDUAL WHO CEASES TO BE A PROGRAM PARTICIPANT IS  
6 RESPONSIBLE FOR NOTIFYING ANY PERSON WHO USES THE SUBSTITUTE ADDRESS  
7 DESIGNATED BY THE ATTORNEY GENERAL THAT THE SUBSTITUTE ADDRESS IS NO  
8 LONGER VALID.

9 4-524.

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

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

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

25 4-525.

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

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

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

34 (1) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW  
35 ENFORCEMENT PURPOSES; AND

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

1 4-526.

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

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

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

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

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

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

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

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

23 4-527.

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

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

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

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

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

14 4-529.

15           THE ATTORNEY GENERAL 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, 2004.