

(PRE-FILED)

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

Requested: July 20, 2004

Introduced and read first time: January 12, 2005

Assigned to: Judicial Proceedings

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 Secretary of State 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 Secretary of
15 State to designate certain agencies and organizations to assist applicants
16 applying to the Program; requiring the Secretary of State 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 2004 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 2004 Supplement)

29 BY adding to
30 Article - Family Law

1 Section 4-517 through 4-529, inclusive, to be under the new part "Part IV.
2 Address Confidentiality Program"
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2004 Supplement)

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

7 **Article - Election Law**

8 3-506.

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

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

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

14 (i) on order of a court; or

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

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

18 **Article - Family Law**

19 4-513.

20 In this Part III AND IN PART IV of this subtitle, "victim of domestic violence"
21 means an individual who has received deliberate, severe, and demonstrable physical
22 injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury
23 from a current or former spouse, or a current or former cohabitant, as defined in §
24 4-501 of this subtitle.

25 **PART IV. ADDRESS CONFIDENTIALITY PROGRAM.**

26 4-517.

27 THE PURPOSE OF THIS PART IS TO ENABLE:

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

31 (2) INTERAGENCY COOPERATION IN PROVIDING ADDRESS
32 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 SECRETARY OF STATE AS
3 A 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 SECRETARY OF STATE 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 SECRETARY OF STATE 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 SECRETARY OF STATE 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 SECRETARY OF STATE;

15 (6) THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT BE
16 DISCLOSED BY THE SECRETARY OF STATE 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 SECRETARY OF STATE 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 SECRETARY
37 OF STATE.

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 SECRETARY OF STATE SHALL INVESTIGATE ANY ALLEGATION OF A
8 VIOLATION UNDER THIS SECTION.

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

11 4-522.

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

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

21 4-523.

22 (A) THE SECRETARY OF STATE SHALL CANCEL THE CERTIFICATION OF A
23 PROGRAM PARTICIPANT IF:

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

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

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

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

34 (B) THE SECRETARY OF STATE SHALL SEND NOTICE OF ANY CANCELLATION
35 OF CERTIFICATION TO THE PROGRAM PARTICIPANT AND SHALL SET FORTH THE
36 REASON FOR CANCELLATION.

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

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 SECRETARY OF STATE 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 SECRETARY OF
12 STATE 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 SECRETARY OF STATE 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 SECRETARY OF STATE FOR A WAIVER FROM THE
21 REQUIREMENTS OF THE PROGRAM. IF THE SECRETARY OF STATE 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 SECRETARY OF STATE 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 SECRETARY OF STATE 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 SECRETARY OF STATE MAY NOT DISCLOSE A PROGRAM
7 PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER OR SUBSTITUTE
8 ADDRESS, EXCEPT AS 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 SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE COURT OF A
16 PROGRAM PARTICIPANT'S CERTIFICATION IN THE PROGRAM AND OF THE
17 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE 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 SECRETARY OF STATE OR ANY AGENCY WITHOUT AUTHORIZATION TO OBTAIN THE
27 INFORMATION.

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

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

14 4-529.

15 THE SECRETARY OF STATE 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, 2005.