
By: **Delegates Shank, Bartlett, and McComas**
 Introduced and read first time: February 9, 2006
 Assigned to: Judiciary

Committee Report: Favorable with amendments
 House action: Adopted
 Read second time: March 21, 2006

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of requiring the Secretary of State to establish the Address
 4 Confidentiality Program for victims of domestic violence; stating the purpose of
 5 the Program; establishing eligibility requirements of the Program; establishing
 6 application and ~~certification procedures~~ participation requirements of the
 7 Program; requiring an applicant to provide a certain release and waiver of
 8 future claims against the State; prohibiting false statements in an application;
 9 establishing penalties for a violation of certain provisions of this Act;
 10 establishing ~~certification~~ participation cancellation procedures; authorizing a
 11 Program participant to request that certain agencies use a substitute address
 12 designated under the Program as the Program participant's address;
 13 establishing a method for certain agencies to apply for a waiver from the
 14 requirements of the Program; requiring that a certain address be used for voter
 15 registration and election-related purposes; prohibiting certain disclosures of a
 16 Program participant's address; providing a penalty for certain unauthorized
 17 disclosures of a Program participant's address; requiring the Secretary of State
 18 to adopt regulations to carry out this Act; defining certain terms; and generally
 19 relating to the Address Confidentiality Program.

20 BY repealing and reenacting, with amendments,
 21 Article - Election Law
 22 Section 3-505
 23 Annotated Code of Maryland
 24 (2003 Volume and 2005 Supplement)

25 BY repealing and reenacting, with amendments,

1 Article - Family Law
2 Section 4-513
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2005 Supplement)

5 BY adding to
6 Article - Family Law
7 Section 4-519 through 4-530, inclusive, to be under the new part "Part IV.
8 Address Confidentiality Program"
9 Annotated Code of Maryland
10 (2004 Replacement Volume and 2005 Supplement)

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

13 **Article - Election Law**

14 3-505.

15 (a) The State Board shall adopt regulations for the retention and storage of
16 and reasonable access to original voter registration applications and other voter
17 registration records the State Board considers appropriate.

18 (b) (1) Voter registration records stored and retained in a local board office
19 shall be open to public inspection.

20 (2) For the purpose of public inspection, original voter registration
21 records:

22 (i) SUBJECT TO § 4-527(B) OF THE FAMILY LAW ARTICLE AND
23 except upon the special order of the local board, shall be available at all times when a
24 local board is open; and

25 (ii) may not be removed from the office of the local board except:

26 1. on order of a court; or

27 2. for temporary removal solely for purposes of data
28 processing.

29 (c) (1) Consistent with regulations adopted by the State Board, local boards
30 shall maintain for at least 2 years all records concerning programs to ensure the
31 accuracy and currency of the statewide voter registration list.

32 (2) Except for records concerning a declination to register or the identity
33 of a voter registration agency through which a particular voter applies for
34 registration, the records described in paragraph (1) of this subsection are accessible
35 under Title 10, Subtitle 6, Part III of the State Government Article (Access to Public
36 Records).

1

Article - Family Law

2 4-513.

3 In this Part III AND IN PART IV of this subtitle, "victim of domestic violence"
4 means an individual who has received deliberate, severe, and demonstrable physical
5 injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury
6 from a current or former spouse, or a current or former cohabitant, as defined in §
7 4-501 of this subtitle.

8 4-517. RESERVED.

9 4-518. RESERVED.

10

PART IV. ADDRESS CONFIDENTIALITY PROGRAM.

11 4-519.

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

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

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

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

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

22 4-520.

23 THE PURPOSE OF THIS PART IS TO ENABLE:

24 (1) STATE AND LOCAL AGENCIES TO RESPOND TO REQUESTS FOR
25 PUBLIC RECORDS WITHOUT DISCLOSING THE LOCATION OF A VICTIM OF DOMESTIC
26 VIOLENCE;

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

29 (3) STATE AND LOCAL AGENCIES TO ACCEPT A PROGRAM PARTICIPANT'S
30 USE OF AN ADDRESS DESIGNATED BY THE OFFICE OF THE SECRETARY OF STATE AS
31 A SUBSTITUTE ADDRESS.

1 4-521.

2 THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER AN ADDRESS
3 CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE.

4 4-522.

5 (A) ANY OF THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN
6 THE PROGRAM:

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

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

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

11 (B) AN APPLICATION TO PARTICIPATE IN THE PROGRAM SHALL BE IN THE
12 FORM REQUIRED BY THE SECRETARY OF STATE AND SHALL CONTAIN:

13 (1) A STATEMENT THAT:

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

15 (II) THE APPLICANT FEARS FOR THE APPLICANT'S SAFETY OR THE
16 SAFETY OF THE APPLICANT'S CHILD;

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

19 (I) CERTIFIED LAW ENFORCEMENT, COURT, OR OTHER FEDERAL
20 OR STATE AGENCY RECORDS OR FILES;

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

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

25 (3) A STATEMENT THAT DISCLOSURE OF THE APPLICANT'S ACTUAL
26 ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY OR THE SAFETY OF THE
27 APPLICANT'S CHILD;

28 (4) A KNOWING AND VOLUNTARY DESIGNATION OF THE SECRETARY OF
29 STATE AS AGENT FOR PURPOSES OF SERVICE OF PROCESS AND RECEIPT OF
30 FIRST-CLASS, CERTIFIED, OR REGISTERED MAIL;

31 (5) THE MAILING ADDRESS AND TELEPHONE NUMBER WHERE THE
32 APPLICANT MAY BE CONTACTED BY THE SECRETARY OF STATE;

1 (6) THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT BE
2 DISCLOSED BY THE SECRETARY OF STATE BECAUSE IT WOULD INCREASE THE RISK
3 OF DOMESTIC VIOLENCE;

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

8 (8) A SWORN STATEMENT BY THE APPLICANT THAT TO THE BEST OF
9 THE APPLICANT'S KNOWLEDGE ALL OF THE INFORMATION CONTAINED IN THE
10 APPLICATION IS TRUE; ~~AND~~

11 (9) THE SIGNATURE OF THE APPLICANT AND THE DATE ON WHICH THE
12 APPLICANT SIGNED THE APPLICATION; AND

13 (10) A VOLUNTARY RELEASE AND WAIVER OF ALL FUTURE CLAIMS
14 AGAINST THE STATE FOR ANY CLAIM THAT MAY ARISE FROM PARTICIPATION IN THE
15 PROGRAM EXCEPT FOR A CLAIM BASED ON GROSS NEGLIGENCE.

16 (C) (1) (I) ON THE FILING OF A PROPERLY COMPLETED APPLICATION AND
17 RELEASE, THE SECRETARY OF STATE SHALL ~~CERTIFY~~;

18 1. REVIEW THE APPLICATION AND RELEASE; AND

19 2. IF THE APPLICATION AND RELEASE ARE PROPERLY
20 COMPLETED AND ACCURATE, DESIGNATE THE APPLICANT AS A PROGRAM
21 PARTICIPANT.

22 (II) ~~APPLICANTS~~ AN APPLICANT SHALL BE ~~CERTIFIED A~~
23 PARTICIPANT FOR 4 YEARS FROM THE DATE OF FILING UNLESS THE ~~CERTIFICATION~~
24 PARTICIPATION IS CANCELED OR WITHDRAWN PRIOR TO THE END OF THE 4-YEAR
25 PERIOD.

26 (2) A PROGRAM PARTICIPANT MAY WITHDRAW ~~A CERTIFICATION FROM~~
27 PARTICIPATION BY FILING A SIGNED, NOTARIZED REQUEST FOR WITHDRAWAL WITH
28 THE SECRETARY OF STATE.

29 4-523.

30 (A) IF AN APPLICANT FALSELY ATTESTS IN AN APPLICATION THAT
31 DISCLOSURE OF THE APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE
32 APPLICANT'S SAFETY OR THE SAFETY OF THE APPLICANT'S CHILD OR KNOWINGLY
33 PROVIDES FALSE INFORMATION WHEN APPLYING FOR ~~CERTIFICATION~~
34 PARTICIPATION OR RENEWAL OF PARTICIPATION IN THE PROGRAM, THE APPLICANT
35 SHALL ~~LOSE CERTIFICATION~~ NO LONGER BE ALLOWED TO PARTICIPATE IN THE
36 PROGRAM.

37 (B) ~~THE SECRETARY OF STATE SHALL INVESTIGATE ANY ALLEGATION OF A~~
38 VIOLATION UNDER THIS SECTION A PERSON MAY NOT KNOWINGLY MAKE A FALSE

1 ATTESTATION OR KNOWINGLY PROVIDE FALSE INFORMATION IN AN APPLICATION IN
2 VIOLATION OF SUBSECTION (A) OF THIS SECTION.

3 (C) ~~ON A FINDING THAT A VIOLATION HAS OCCURRED, THE SECRETARY OF~~
4 ~~STATE SHALL IMPOSE A CIVIL FINE AGAINST THE APPLICANT NOT EXCEEDING \$500 A~~
5 PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A
6 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
7 EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

8 4-524.

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

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

19 4-525.

20 (A) THE SECRETARY OF STATE SHALL CANCEL THE ~~CERTIFICATION~~
21 PARTICIPATION OF A PROGRAM PARTICIPANT IF:

22 (1) THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE SECRETARY OF
23 STATE OF ANY LEGAL NAME CHANGE OR CHANGE IN ADDRESS OR TELEPHONE
24 NUMBER IN THE MANNER REQUIRED BY § 4-524 OF THIS PART;

25 (2) THE PROGRAM PARTICIPANT FILES A REQUEST FOR WITHDRAWAL
26 OF ~~THE CERTIFICATION~~ PARTICIPATION UNDER § 4-522(C)(2) OF THIS PART;

27 (3) THE PROGRAM PARTICIPANT SUBMITS FALSE INFORMATION IN
28 APPLYING FOR ~~CERTIFICATION TO~~ PARTICIPATION IN THE PROGRAM IN VIOLATION
29 OF § 4-523 OF THIS PART; OR

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

32 (B) THE SECRETARY OF STATE SHALL SEND NOTICE OF ANY CANCELLATION
33 OF ~~CERTIFICATION TO~~ PARTICIPATION IN THE PROGRAM TO THE PARTICIPANT AND
34 SHALL SET FORTH THE REASON FOR CANCELLATION.

35 (C) A PROGRAM PARTICIPANT MAY APPEAL ANY CANCELLATION DECISION BY
36 FILING AN APPEAL WITH THE SECRETARY OF STATE WITHIN 30 DAYS AFTER THE
37 DATE OF THE NOTICE OF CANCELLATION IN ACCORDANCE WITH PROCEDURES
38 DEVELOPED BY THE SECRETARY OF STATE.

1 (D) AN INDIVIDUAL WHO CEASES TO BE A PROGRAM PARTICIPANT IS
2 RESPONSIBLE FOR NOTIFYING ANY PERSON WHO USES THE SUBSTITUTE ADDRESS
3 DESIGNATED BY THE SECRETARY OF STATE THAT THE SUBSTITUTE ADDRESS IS NO
4 LONGER VALID.

5 4-526.

6 (A) A PROGRAM PARTICIPANT MAY MAKE A REQUEST TO ANY STATE OR LOCAL
7 AGENCY TO USE THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF
8 STATE AS THE PROGRAM PARTICIPANT'S ADDRESS.

9 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN A PROGRAM
10 PARTICIPANT HAS MADE A REQUEST TO A STATE OR LOCAL AGENCY UNDER
11 SUBSECTION (A) OF THIS SECTION, THE STATE OR LOCAL AGENCY SHALL USE THE
12 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE AS A PROGRAM
13 PARTICIPANT'S ADDRESS.

14 (C) (1) A STATE OR LOCAL AGENCY THAT HAS A BONA FIDE STATUTORY OR
15 ADMINISTRATIVE REQUIREMENT FOR USING A PROGRAM PARTICIPANT'S ACTUAL
16 ADDRESS MAY APPLY TO THE SECRETARY OF STATE FOR A WAIVER FROM THE
17 REQUIREMENTS OF THE PROGRAM.

18 (2) IF THE SECRETARY OF STATE APPROVES THE WAIVER, THE STATE OR
19 LOCAL AGENCY SHALL USE THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS ONLY
20 FOR THE REQUIRED STATUTORY OR ADMINISTRATIVE PURPOSES.

21 4-527.

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

24 (2) A PROGRAM PARTICIPANT MAY NOT USE THE SUBSTITUTE ADDRESS
25 DESIGNATED BY THE SECRETARY OF STATE AS THE PROGRAM PARTICIPANT'S
26 ADDRESS FOR VOTER REGISTRATION PURPOSES.

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

30 (1) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW
31 ENFORCEMENT PURPOSES; AND

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

33 4-528.

34 (A) EXCEPT AS OTHERWISE PROVIDED BY THIS PART, A PROGRAM
35 PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER MAINTAINED BY THE
36 SECRETARY OF STATE OR A STATE OR LOCAL AGENCY IS NOT A PUBLIC RECORD
37 WITHIN THE MEANING OF § 10-611 OF THE STATE GOVERNMENT ARTICLE.

1 (B) THE SECRETARY OF STATE MAY NOT DISCLOSE A PROGRAM
2 PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER OR SUBSTITUTE
3 ADDRESS, EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION AND:

4 (1) (I) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW
5 ENFORCEMENT PURPOSES; AND

6 (II) AS DIRECTED BY A COURT ORDER; OR

7 (2) ON REQUEST BY A STATE OR LOCAL AGENCY TO VERIFY A PROGRAM
8 PARTICIPANT'S PARTICIPATION IN THE PROGRAM OR SUBSTITUTE ADDRESS FOR USE
9 UNDER § 4-526 OF THIS PART.

10 (C) THE SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE COURT OF A
11 PROGRAM PARTICIPANT'S ~~CERTIFICATION~~ PARTICIPATION IN THE PROGRAM AND OF
12 THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE IF, ~~AT THE~~
13 ~~TIME OF APPLICATION~~, THE PROGRAM PARTICIPANT:

14 (1) IS SUBJECT TO A COURT ORDER ~~RELATED TO DIVORCE~~
15 ~~PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION; OR OR~~
16 ADMINISTRATIVE ORDER;

17 (2) IS INVOLVED IN A COURT ACTION ~~RELATED TO DIVORCE~~
18 ~~PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION OR~~
19 ADMINISTRATIVE ACTION; OR

20 (3) IS A WITNESS OR A PARTY IN A CIVIL OR CRIMINAL PROCEEDING.

21 4-529.

22 (A) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY OBTAIN A
23 PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM THE
24 SECRETARY OF STATE OR ANY AGENCY WITHOUT AUTHORIZATION TO OBTAIN THE
25 INFORMATION.

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

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

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

34 (2) AN EMPLOYEE OF THE SECRETARY OF STATE OR ANY AGENCY MAY
35 NOT KNOWINGLY AND INTENTIONALLY DISCLOSE A PROGRAM PARTICIPANT'S
36 ACTUAL ADDRESS OR TELEPHONE NUMBER TO ANOTHER PERSON UNLESS THE
37 DISCLOSURE IS AUTHORIZED BY LAW.

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

3 4-530.

4 THE SECRETARY OF STATE SHALL ADOPT REGULATIONS TO CARRY OUT THE
5 PROVISIONS OF THIS PART.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2006.