

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Mooney, Colburn, Haines, Harris, Munson, Stone, and Green**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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 future
8 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

1 disclosures of a Program participant's address; requiring the Secretary of State
2 to adopt regulations to carry out this Act; defining certain terms; and generally
3 relating to the Address Confidentiality Program.

4 BY repealing and reenacting, with amendments,
5 Article - Election Law
6 Section 3-505
7 Annotated Code of Maryland
8 (2003 Volume and 2005 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Family Law
11 Section 4-513
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2005 Supplement)

14 BY adding to
15 Article - Family Law
16 Section 4-519 through 4-530, inclusive, to be under the new part "Part IV.
17 Address Confidentiality Program"
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2005 Supplement)

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

22 **Article - Election Law**

23 3-505.

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

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

29 (2) For the purpose of public inspection, original voter registration
30 records:

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

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

35 1. on order of a court; or

1 2. for temporary removal solely for purposes of data
2 processing.

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

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

11 **Article - Family Law**

12 4-513.

13 In this Part III AND IN PART IV of this subtitle, "victim of domestic violence"
14 means an individual who has received deliberate, severe, and demonstrable physical
15 injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury
16 from a current or former spouse, or a current or former cohabitant, as defined in §
17 4-501 of this subtitle.

18 4-517. RESERVED.

19 4-518. RESERVED.

20 **PART IV. ADDRESS CONFIDENTIALITY PROGRAM.**

21 4-519.

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

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

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

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

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

1 4-520.

2 THE PURPOSE OF THIS PART IS TO ENABLE:

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

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

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

11 4-521.

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

14 4-522.

15 (A) ANY OF THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN
16 THE PROGRAM:

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

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

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

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

23 (1) A STATEMENT THAT:

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

25 (II) THE APPLICANT FEARS FOR THE APPLICANT'S SAFETY OR THE
26 SAFETY OF THE APPLICANT'S CHILD;

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

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

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

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

4 (3) A STATEMENT THAT DISCLOSURE OF THE APPLICANT'S ACTUAL
 5 ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY OR THE SAFETY OF THE
 6 APPLICANT'S CHILD;

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

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

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

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

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

22 (9) THE SIGNATURE OF THE APPLICANT AND THE DATE ON WHICH THE
 23 APPLICANT SIGNED THE APPLICATION; AND

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

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

29 1. REVIEW THE APPLICATION AND RELEASE; AND

30 2. IF THE APPLICATION AND RELEASE ARE PROPERLY
 31 COMPLETED AND ACCURATE, DESIGNATE THE APPLICANT AS A PROGRAM
 32 PARTICIPANT.

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

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

4 4-523.

5 (A) IF AN APPLICANT FALSELY ATTESTS IN AN APPLICATION THAT
6 DISCLOSURE OF THE APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE
7 APPLICANT'S SAFETY OR THE SAFETY OF THE APPLICANT'S CHILD OR KNOWINGLY
8 PROVIDES FALSE INFORMATION WHEN APPLYING FOR ~~CERTIFICATION~~
9 PARTICIPATION OR RENEWAL OF PARTICIPATION IN THE PROGRAM, THE APPLICANT
10 SHALL ~~LOSE CERTIFICATION~~ NO LONGER BE ALLOWED TO PARTICIPATE IN THE
11 PROGRAM.

12 (B) ~~THE SECRETARY OF STATE SHALL INVESTIGATE ANY ALLEGATION OF A~~
13 ~~VIOLATION UNDER THIS SECTION~~ A PERSON MAY NOT KNOWINGLY MAKE A FALSE
14 ATTESTATION OR KNOWINGLY PROVIDE FALSE INFORMATION IN AN APPLICATION IN
15 VIOLATION OF SUBSECTION (A) OF THIS SECTION.

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

21 4-524.

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

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

32 4-525.

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

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

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

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

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

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

9 (C) A PROGRAM PARTICIPANT MAY APPEAL ANY CANCELLATION DECISION BY
10 FILING AN APPEAL WITH THE SECRETARY OF STATE WITHIN 30 DAYS AFTER THE
11 DATE OF THE NOTICE OF CANCELLATION IN ACCORDANCE WITH PROCEDURES
12 DEVELOPED BY THE SECRETARY OF STATE.

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

17 4-526.

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

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

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

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

33 4-527.

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

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

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

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

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

7 4-528.

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

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

15 (1) (I) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW
16 ENFORCEMENT PURPOSES; AND

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

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

21 (C) THE SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE COURT OF A
22 PROGRAM PARTICIPANT'S ~~CERTIFICATION~~ *PARTICIPATION* IN THE PROGRAM AND OF
23 THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE IF, ~~AT THE~~
24 ~~TIME OF APPLICATION,~~ THE PROGRAM PARTICIPANT:

25 (1) IS SUBJECT TO A COURT ORDER ~~RELATED TO DIVORCE~~
26 ~~PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION; OR~~ *OR*
27 *ADMINISTRATIVE ORDER;*

28 (2) IS INVOLVED IN A COURT ACTION ~~RELATED TO DIVORCE~~
29 ~~PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION~~ *OR*
30 *ADMINISTRATIVE ACTION; OR*

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

32 4-529.

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

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

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 SECRETARY OF STATE 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 4-530.

16 THE SECRETARY OF STATE SHALL ADOPT REGULATIONS TO CARRY OUT THE
17 PROVISIONS OF THIS PART.

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