

(PRE-FILED)

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

Requested: September 20, 2005

Introduced and read first time: January 11, 2006

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 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 of the Program; prohibiting false  
7 statements in an application; establishing certification cancellation procedures;  
8 authorizing a Program participant to request that certain agencies use a  
9 substitute address designated under the Program as the Program participant's  
10 address; establishing a method for certain agencies to apply for a waiver from  
11 the requirements of the Program; requiring that a certain address be used for  
12 voter registration and election-related purposes; prohibiting certain disclosures  
13 of a Program participant's address; providing a penalty for certain unauthorized  
14 disclosures of a Program participant's address; requiring the Secretary of State  
15 to adopt regulations to carry out this Act; defining certain terms; and generally  
16 relating to the Address Confidentiality Program.

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

22 BY repealing and reenacting, with amendments,  
23 Article - Family Law  
24 Section 4-513  
25 Annotated Code of Maryland  
26 (2004 Replacement Volume and 2005 Supplement)

27 BY adding to  
28 Article - Family Law  
29 Section 4-519 through 4-530, inclusive, to be under the new part "Part IV.  
30 Address Confidentiality Program"

1 Annotated Code of Maryland  
2 (2004 Replacement Volume and 2005 Supplement)

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

5 **Article - Election Law**

6 3-505.

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

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

12 (2) For the purpose of public inspection, original voter registration  
13 records:

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

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

18 1. on order of a court; or

19 2. for temporary removal solely for purposes of data  
20 processing.

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

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

29 **Article - Family Law**

30 4-513.

31 In this Part III AND IN PART IV of this subtitle, "victim of domestic violence"  
32 means an individual who has received deliberate, severe, and demonstrable physical  
33 injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury  
34 from a current or former spouse, or a current or former cohabitant, as defined in §  
35 4-501 of this subtitle.

1 4-517. RESERVED.

2 4-518. RESERVED.

3 PART IV. ADDRESS CONFIDENTIALITY PROGRAM.

4 4-519.

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 4-520.

16 THE PURPOSE OF THIS PART IS TO ENABLE:

17 (1) STATE AND LOCAL AGENCIES TO RESPOND TO REQUESTS FOR  
18 PUBLIC RECORDS WITHOUT DISCLOSING THE LOCATION OF A VICTIM OF DOMESTIC  
19 VIOLENCE;

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

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

25 4-521.

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

28 4-522.

29 (A) ANY OF THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN  
30 THE PROGRAM:

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

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

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

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

6 (1) A STATEMENT THAT:

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

8 (II) THE APPLICANT FEARS FOR THE APPLICANT'S SAFETY OR THE  
9 SAFETY OF THE APPLICANT'S CHILD;

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

12 (I) LAW ENFORCEMENT, COURT, OR OTHER FEDERAL OR STATE  
13 AGENCY RECORDS OR FILES;

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

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

18 (3) A STATEMENT THAT DISCLOSURE OF THE APPLICANT'S ACTUAL  
19 ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY OR THE SAFETY OF THE  
20 APPLICANT'S CHILD;

21 (4) A DESIGNATION OF THE SECRETARY OF STATE AS AGENT FOR  
22 PURPOSES OF SERVICE OF PROCESS AND RECEIPT OF FIRST-CLASS, CERTIFIED, OR  
23 REGISTERED MAIL;

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

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

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

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

1 (9) THE SIGNATURE OF THE APPLICANT AND THE DATE ON WHICH THE  
2 APPLICANT SIGNED THE APPLICATION.

3 (C) (1) (I) ON THE FILING OF A PROPERLY COMPLETED APPLICATION,  
4 THE SECRETARY OF STATE SHALL CERTIFY THE APPLICANT AS A PROGRAM  
5 PARTICIPANT.

6 (II) APPLICANTS SHALL BE CERTIFIED FOR 4 YEARS FROM THE  
7 DATE OF FILING UNLESS THE CERTIFICATION IS CANCELED OR WITHDRAWN PRIOR  
8 TO THE END OF THE 4-YEAR PERIOD.

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

12 4-523.

13 (A) IF AN APPLICANT 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 KNOWINGLY  
16 PROVIDES FALSE INFORMATION WHEN APPLYING FOR CERTIFICATION OR RENEWAL,  
17 THE APPLICANT SHALL LOSE CERTIFICATION IN THE PROGRAM.

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

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

22 4-524.

23 (A) IF A PROGRAM PARTICIPANT OBTAINS A LEGAL NAME CHANGE, THE  
24 PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE WITHIN 30 DAYS  
25 AND PROVIDE THE SECRETARY OF STATE WITH A CERTIFIED COPY OF ANY  
26 JUDGMENT OR ORDER EVIDENCING THE CHANGE OR ANY OTHER DOCUMENTATION  
27 THE SECRETARY OF STATE CONSIDERS TO BE SUFFICIENT EVIDENCE OF THE  
28 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 SECRETARY OF STATE AT LEAST 7 DAYS BEFORE THE CHANGE OCCURS.

33 4-525.

34 (A) THE SECRETARY OF STATE SHALL CANCEL THE CERTIFICATION OF A  
35 PROGRAM PARTICIPANT IF:

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

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

6 (3) THE PROGRAM PARTICIPANT SUBMITS FALSE INFORMATION IN  
7 APPLYING FOR CERTIFICATION TO THE PROGRAM IN VIOLATION OF § 4-523 OF THIS  
8 PART; OR

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

11 (B) THE SECRETARY OF STATE SHALL SEND NOTICE OF ANY CANCELLATION  
12 OF CERTIFICATION TO THE PROGRAM PARTICIPANT AND SHALL SET FORTH THE  
13 REASON FOR CANCELLATION.

14 (C) A PROGRAM PARTICIPANT MAY APPEAL ANY CANCELLATION DECISION BY  
15 FILING AN APPEAL WITH THE SECRETARY OF STATE WITHIN 30 DAYS AFTER THE  
16 DATE OF THE NOTICE OF CANCELLATION IN ACCORDANCE WITH PROCEDURES  
17 DEVELOPED BY THE SECRETARY OF STATE.

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

22 4-526.

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

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

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

1 4-527.

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

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

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

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

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

13 4-528.

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

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

21 (1) (I) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW  
22 ENFORCEMENT PURPOSES; AND

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

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

27 (C) THE SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE COURT OF A  
28 PROGRAM PARTICIPANT'S CERTIFICATION IN THE PROGRAM AND OF THE  
29 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE IF, AT THE TIME  
30 OF APPLICATION, THE PROGRAM PARTICIPANT:

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

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

1 4-529.

2 (A) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY OBTAIN A  
3 PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM THE  
4 SECRETARY OF STATE OR ANY AGENCY WITHOUT AUTHORIZATION TO OBTAIN THE  
5 INFORMATION.

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

8 (I) OBTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR  
9 TELEPHONE NUMBER DURING THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES;  
10 AND

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

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

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

20 4-530.

21 THE SECRETARY OF STATE SHALL ADOPT REGULATIONS TO CARRY OUT THE  
22 PROVISIONS OF THIS PART.

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