

HOUSE BILL 1427

P1

3lr2935

By: **Delegates B. Robinson, Bobo, Braveboy, Carter, Conaway, George, Glenn, Gutierrez, Haynes, Healey, Howard, Kipke, Mitchell, Nathan–Pulliam, Oaks, Pena–Melnyk, V. Turner, and M. Washington**

Introduced and read first time: February 18, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Human Trafficking Address Confidentiality Program**

3 FOR the purpose of requiring the Secretary of State to establish the Human
4 Trafficking Address Confidentiality Program for victims of human trafficking;
5 stating the purpose of the Program; establishing eligibility requirements of the
6 Program; establishing application and 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 participation cancellation procedures; authorizing a Program
11 participant to request that certain agencies use a substitute address designated
12 under the Program as the Program participant’s address; establishing a method
13 for certain agencies to apply for a waiver from the requirements of the Program;
14 requiring that a certain address be used for voter registration and
15 election–related purposes; prohibiting certain disclosures of a Program
16 participant’s address; providing a penalty for certain unauthorized disclosures
17 of a Program participant’s address; requiring the Secretary of State to adopt
18 regulations to carry out this Act; defining certain terms; and generally relating
19 to the Human Trafficking Address Confidentiality Program.

20 BY repealing and reenacting, with amendments,
21 Article – Election Law
22 Section 3–505
23 Annotated Code of Maryland
24 (2010 Replacement Volume and 2012 Supplement)

25 BY adding to
26 Article – State Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7–301 through 7–312 to be under the new subtitle “Subtitle 3. Human
2 Trafficking Address Confidentiality Program”
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2012 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 3–505.

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

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

14 (2) For the purpose of public inspection, original voter registration
15 records:

16 (i) subject to § 4–527(b) of the Family Law Article AND §
17 **7–309(B) OF THE STATE GOVERNMENT ARTICLE** and except upon the special order
18 of the local board, shall be available at all times when a local board is open; and

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

20 1. on order of a court; or

21 2. for temporary removal solely for purposes of data
22 processing.

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

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

31 **Article – State Government**

32 **SUBTITLE 3. HUMAN TRAFFICKING ADDRESS CONFIDENTIALITY PROGRAM.**

1 **7-301.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

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

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

10 (D) "PROGRAM" MEANS THE HUMAN TRAFFICKING ADDRESS
11 CONFIDENTIALITY PROGRAM.

12 (E) "PROGRAM PARTICIPANT" MEANS A PERSON DESIGNATED AS A
13 PROGRAM PARTICIPANT UNDER THIS SUBTITLE.

14 (F) "VICTIM OF HUMAN TRAFFICKING" MEANS AN INDIVIDUAL WHO HAS
15 BEEN RECRUITED, HARBORED, TRANSPORTED, PROVIDED, OR OBTAINED FOR
16 LABOR, SERVICES, OR A SEXUAL ACT THROUGH THE USE OF FORCE, FRAUD, OR
17 COERCION.

18 **7-302.**

19 THE PURPOSE OF THIS SUBTITLE IS TO ENABLE:

20 (1) STATE AND LOCAL AGENCIES TO RESPOND TO REQUESTS FOR
21 PUBLIC RECORDS WITHOUT DISCLOSING THE LOCATION OF A VICTIM OF HUMAN
22 TRAFFICKING;

23 (2) INTERAGENCY COOPERATION IN PROVIDING ADDRESS
24 CONFIDENTIALITY FOR VICTIMS OF HUMAN TRAFFICKING; AND

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

28 **7-303.**

1 **THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER A HUMAN**
2 **TRAFFICKING ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF HUMAN**
3 **TRAFFICKING.**

4 **7-304.**

5 **(A) THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN THE**
6 **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**
12 **THE FORM REQUIRED BY THE SECRETARY OF STATE AND SHALL CONTAIN:**

13 **(1) A STATEMENT THAT:**

14 **(I) THE APPLICANT IS A VICTIM OF HUMAN TRAFFICKING;**
15 **AND**

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

18 **(2) EVIDENCE THAT THE APPLICANT IS A VICTIM OF HUMAN**
19 **TRAFFICKING, INCLUDING:**

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

22 **(II) DOCUMENTATION FROM A HUMAN TRAFFICKING**
23 **PREVENTION OR ASSISTANCE PROGRAM; OR**

24 **(III) DOCUMENTATION FROM A RELIGIOUS, A MEDICAL, OR**
25 **ANY OTHER PROFESSIONAL FROM WHOM THE APPLICANT HAS SOUGHT**
26 **ASSISTANCE OR TREATMENT AS A VICTIM OF HUMAN TRAFFICKING;**

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

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

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

6 (6) THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT
7 BE DISCLOSED BY THE SECRETARY OF STATE BECAUSE IT WOULD INCREASE
8 THE RISK OF HUMAN TRAFFICKING OR OTHER CRIMES;

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

12 (8) THE SIGNATURE OF THE APPLICANT AND THE DATE ON WHICH
13 THE APPLICANT SIGNED THE APPLICATION; AND

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

17 (c) (1) (i) ON THE FILING OF A PROPERLY COMPLETED
18 APPLICATION AND RELEASE, THE SECRETARY OF STATE SHALL:

19 1. REVIEW THE APPLICATION AND RELEASE; AND

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

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

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

29 7-305.

1 **(A) IF AN APPLICANT FALSELY ATTESTS IN AN APPLICATION THAT**
2 **DISCLOSURE OF THE APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE**
3 **APPLICANT'S SAFETY OR THE SAFETY OF THE APPLICANT'S CHILD OR**
4 **KNOWINGLY PROVIDES FALSE INFORMATION WHEN APPLYING FOR**
5 **PARTICIPATION OR RENEWAL OF PARTICIPATION IN THE PROGRAM, THE**
6 **APPLICANT SHALL NO LONGER BE ALLOWED TO PARTICIPATE IN THE**
7 **PROGRAM.**

8 **(B) A PERSON MAY NOT KNOWINGLY MAKE A FALSE ATTESTATION OR**
9 **KNOWINGLY PROVIDE FALSE INFORMATION IN AN APPLICATION IN VIOLATION**
10 **OF SUBSECTION (A) OF THIS SECTION.**

11 **(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS**
12 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
13 **IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR**
14 **BOTH.**

15 **7-306.**

16 **(A) IF A PROGRAM PARTICIPANT OBTAINS A LEGAL NAME CHANGE, THE**
17 **PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE WITHIN 30**
18 **DAYS AND PROVIDE THE SECRETARY OF STATE WITH A CERTIFIED COPY OF ANY**
19 **JUDGMENT OR ORDER EVIDENCING THE CHANGE OR ANY OTHER**
20 **DOCUMENTATION THE SECRETARY OF STATE CONSIDERS TO BE SUFFICIENT**
21 **EVIDENCE OF THE CHANGE.**

22 **(B) IF A PROGRAM PARTICIPANT MAKES A CHANGE IN ADDRESS OR**
23 **TELEPHONE NUMBER FROM AN ADDRESS OR A TELEPHONE NUMBER LISTED ON**
24 **THE PROGRAM PARTICIPANT'S APPLICATION, THE PROGRAM PARTICIPANT**
25 **SHALL NOTIFY THE SECRETARY OF STATE AT LEAST 7 DAYS BEFORE THE**
26 **CHANGE OCCURS.**

27 **7-307.**

28 **(A) THE SECRETARY OF STATE SHALL CANCEL THE PARTICIPATION OF**
29 **A PROGRAM PARTICIPANT IF:**

30 **(1) THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE**
31 **SECRETARY OF STATE OF ANY LEGAL NAME CHANGE OR CHANGE IN ADDRESS**
32 **OR TELEPHONE NUMBER IN THE MANNER REQUIRED BY § 7-306 OF THIS**
33 **SUBTITLE;**

1 **(2) THE PROGRAM PARTICIPANT FILES A REQUEST FOR**
2 **WITHDRAWAL OF PARTICIPATION UNDER § 7-304(C)(2) OF THIS SUBTITLE;**

3 **(3) THE PROGRAM PARTICIPANT SUBMITS FALSE INFORMATION**
4 **IN APPLYING FOR PARTICIPATION IN THE PROGRAM IN VIOLATION OF § 7-305**
5 **OF THIS SUBTITLE; OR**

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

8 **(B) THE SECRETARY OF STATE SHALL SEND NOTICE OF ANY**
9 **CANCELLATION OF PARTICIPATION IN THE PROGRAM TO THE PARTICIPANT AND**
10 **SHALL SET FORTH THE REASON FOR CANCELLATION.**

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

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

19 **7-308.**

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

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

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

32 **(2) IF THE SECRETARY OF STATE APPROVES THE WAIVER, THE**
33 **STATE OR LOCAL AGENCY SHALL USE THE PROGRAM PARTICIPANT'S ACTUAL**

1 ADDRESS ONLY FOR THE REQUIRED STATUTORY OR ADMINISTRATIVE
2 PURPOSES.

3 **7-309.**

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

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

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

12 (1) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW
13 ENFORCEMENT PURPOSES; AND

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

15 **7-310.**

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

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

23 (1) (I) ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR
24 LAW ENFORCEMENT PURPOSES; AND

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

26 (2) ON REQUEST BY A STATE OR LOCAL AGENCY TO VERIFY A
27 PROGRAM PARTICIPANT'S PARTICIPATION IN THE PROGRAM OR SUBSTITUTE
28 ADDRESS FOR USE UNDER § 7-308 OF THIS SUBTITLE.

29 (C) THE SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE
30 COURT OF A PROGRAM PARTICIPANT'S PARTICIPATION IN THE PROGRAM AND

1 OF THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE IF
2 THE PROGRAM PARTICIPANT:

3 (1) IS SUBJECT TO A COURT ORDER OR ADMINISTRATIVE ORDER;

4 (2) IS INVOLVED IN A COURT ACTION OR ADMINISTRATIVE
5 ACTION; OR

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

8 7-311.

9 (A) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY OBTAIN A
10 PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM
11 THE SECRETARY OF STATE OR ANY AGENCY WITHOUT AUTHORIZATION TO
12 OBTAIN THE INFORMATION.

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

15 (I) OBTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS
16 OR TELEPHONE NUMBER DURING THE COURSE OF THE EMPLOYEE'S OFFICIAL
17 DUTIES; AND

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

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

25 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
27 \$2,500.

28 7-312.

29 THE SECRETARY OF STATE SHALL ADOPT REGULATIONS TO CARRY OUT
30 THE PROVISIONS OF THIS SUBTITLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2013.