

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 1186
Judiciary

(Delegate Carter, *et al.*)

Domestic Violence - Confidentiality Program - Name of Victim

This bill expands the scope of the Address Confidentiality Program for victims of domestic violence to include making the legal names of victims confidential under specified circumstances. Existing penalties apply to violation of the bill's provisions. The bill also renames the program the Confidentiality Program.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources. The bill's penalty provisions are not anticipated to materially impact State finances or operations.

Local Effect: The bill's requirements can be handled with existing budgeted resources. The bill's penalty provisions are not anticipated to materially impact local finances or operations.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Generally, a custodian of a public record must permit inspection of the record at a reasonable time. A custodian has to deny inspection of a public record or any part of a public record if (1) the public record is privileged or confidential by law or (2) the inspection would be contrary to a State statute, a federal statute or regulation, the Maryland Rules, or an order of a court of record.

Chapters 374 and 375 of 2006 required the Secretary of State to establish and administer an Address Confidentiality Program (ACP) for domestic violence victims. The purpose of

ACP is to enable State and local agencies to respond to requests for public records without disclosing the *location* of a domestic violence victim. This bill establishes that State and local agencies may also respond to requests for public records without disclosing the *name* of a domestic violence victim.

The Secretary of State must designate applicants as program participants upon the filing of a properly completed application, as specified, including a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child. The bill establishes that an application may include such a statement regarding the disclosure of the applicant's legal name, and a request that the legal name not be disclosed. The individual may instead designate a substitute name for the program.

Pursuant to current law, if a program participant obtains a legal name change, the participant must notify the Secretary of State within 30 days and provide a certified copy of any judgment or order evidencing the change or any other appropriate documentation.

Under current law, upon request, a State or local agency must use a participant's substitute address instead of the actual address. Unless otherwise specified, a participant's actual address is not a public record and may not be disclosed except in specified circumstances. The bill allows a participant to designate a substitute name for use instead of the participant's legal name and extends provisions relating to a participant's actual address to a participant's legal name. Under current law, local boards of election must use a program participant's actual address for all election-related purposes, but may not make a participant's address contained in voter registration records available for public inspection or copying except in specified circumstances. The bill extends these provisions to use of a participant's legal name.

An applicant who falsely attests to the danger of the applicant's address disclosure, or who knowingly provides false information is not allowed to participate in the program. Under current law, a person who knowingly makes a false attestation or knowingly provides false information in an application is guilty of a misdemeanor and is subject to maximum penalties of imprisonment for six months and/or a fine of \$500. The bill extends this prohibition to falsely attesting that disclosure of the applicant's legal name would endanger the applicant's safety or that of the applicant's child.

A person may not knowingly and intentionally obtain a participant's actual address or phone number from any agency without authorization. Additionally, if an employee of the Secretary of State obtains a participant's actual address or phone number in the course of the employee's duties and has specific knowledge that the actual address or phone number belongs to an ACP participant, then the employee may not knowingly and intentionally disclose a participant's actual address or phone number to another person unless

authorized. Both violations are misdemeanors, subject to a maximum fine of \$2,500. The bill extends these violations to obtaining or disclosing a participant's legal name.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, and Montgomery counties; cities of Frederick and Havre de Grace; Judiciary (Administrative Office of the Courts); Secretary of State; Department of Legislative Services

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mar/kdm

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