Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 173

HOUSE BILL 2302

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-116.04; AMENDING SECTIONS 12-601, 16-153, 39-123 AND 39-124, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; RELATING TO ADDRESS CONFIDENTIALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 12, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 12-116.04, to read:

12-116.04. Address confidentiality program assessment

A. IN ADDITION TO ANY OTHER PENALTY, FINE, FEE OR ASSESSMENT AUTHORIZED BY LAW, A PERSON WHO IS CONVICTED OF AN OFFENSE INCLUDED IN TITLE 13, CHAPTER 14 OR 35.1, STALKING PURSUANT TO SECTION 13-2923 OR A DOMESTIC VIOLENCE OFFENSE PURSUANT TO SECTION 13-3601 SHALL PAY AN ASSESSMENT OF FIFTY DOLLARS. THE COURT MAY WAIVE ALL OR A PORTION OF THE ASSESSMENT IF THE COURT FINDS THAT THE DEFENDANT IS UNABLE TO PAY ALL OR ANY PORTION OF THE ASSESSMENT.

B. THE CITY OR COUNTY TREASURER SHALL TRANSMIT NINETY-FIVE PER CENT OF THE MONIES COLLECTED PURSUANT TO SUBSECTION A OF THIS SECTION TO THE STATE TREASURER FOR DEPOSIT IN THE ADDRESS CONFIDENTIALITY PROGRAM FUND ESTABLISHED BY SECTION 41-159. THE CLERK OF THE COURT SHALL RETAIN FIVE PER CENT OF THE MONIES COLLECTED PURSUANT TO SUBSECTION A OF THIS SECTION FOR ADMINISTRATIVE COSTS.

Sec. 2. Section 12-601, Arizona Revised Statutes, is amended to read:

12-601. Application; venue; judgment; sealing of record

A. A person who desires to change the person's name and to adopt another name may file an application in the superior court in the county of the person's residence, setting forth reasons for the change of name and the name the person wishes to adopt. The court may enter judgment that the adopted name of the party be substituted for the original name. The court shall consider the criteria under subsection C of this section in determining whether to enter judgment that the adopted name of the party be substituted for the original name.

B. The parent, guardian ad litem or next friend of a minor may file an application for change of the name of the minor in the county of the minor's residence. The court shall consider the best interests of the minor and the criteria that apply to the minor under subsection C of this section in determining whether to enter judgment that the name of the minor be changed.

C. A person who files an application for change of name shall indicate under penalty of perjury:

1. If the person has been convicted of a felony.

2. If felony charges are pending in any jurisdiction against the person for any offense under title 13, chapter 18, 20, 21, 22, 23 or 27 or any other offense involving false statements or misrepresentations about the person's identity.

3. If the person is knowingly changing the person's name to that of another individual for the purpose of committing or furthering the commission of any offense under title 13, chapter 18, 20, 21, 22, 23 or 27 or any other offense involving false statements.

4. The person is making the application solely for the best interest of the person.

5. The person acknowledges that the change of name will not release the person from any obligations incurred or harm any rights of property or actions in the original name.

D. Notwithstanding any law to the contrary, a victim as defined in section 13-4401 or a prosecutor has standing to contest any legal name change at any time before the entry of judgment or up to one year after entry of judgment.

E. On entering a conviction for an offense under title 13, chapter 18, 20, 21, 22, 23 or 27 or any other offense involving false statements or misrepresentations about the person's identity, the superior court may enter an order setting aside a change of name judgment or deny any pending application.

F. ON REQUEST OF A PERSON WHO FILES AN APPLICATION FOR A CHANGE OF NAME, THE COURT MAY SEAL THE CHANGE OF NAME APPLICATION AND JUDGMENT. THE INFORMATION IN THE APPLICATION AND JUDGMENT SHALL NOT BE DISCLOSED AND IS NOT A PUBLIC RECORD. A PERSON WHO OBTAINED A JUDGMENT ON OR AFTER JANUARY 1, 2009 MAY REQUEST THAT THE COURT SEAL THE APPLICATION AND JUDGMENT PURSUANT TO THIS SUBSECTION. FOR THE PURPOSES OF THIS SUBSECTION, "PERSON" MEANS A PERSON WHO IS PROTECTED UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT OR A PERSON WHO IS THE VICTIM OF AN OFFENSE INVOLVING STALKING AS PRESCRIBED IN SECTION 13-2923 OR AN OFFENSE COMMITTED IN ANOTHER JURISDICTION THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 13-2923.

Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:

16-153. <u>Voter registration; confidentiality; definitions</u>

A. Eligible persons, and any other registered voter who resides at the same residence address as the eligible person, may request that the general public be prohibited from accessing the residential address, telephone number and voting precinct number contained in their voter registration record.

B. Eligible persons may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties and an organization of peace officers:

1. The person's full legal name, residential address and date of birth.

2. The position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment.

3. The reasons for reasonably believing that the person's life or safety or that of another person is in danger and that sealing the residential address, telephone number and voting precinct number of the person's voting record will serve to reduce the danger.

C. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent a multiplicity of filings, an eligible person who is a peace officer, prosecutor, public defender, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.

D. Upon receipt of an affidavit or affidavits, the presiding judge of the superior court shall file with the clerk of the superior court a petition on behalf of all requesting affiants. The petition shall have attached each affidavit presented. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier consideration, the presiding judge may accumulate affidavits and file a petition at the end of each quarter.

E. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. The presiding judge of the superior court shall order the sealing for five years of the information contained in the voter record of the affiant and, on request, any other registered voter who resides at the same residence address if the presiding judge concludes that this action will reduce a danger to the life or safety of the affiant.

F. The recorder shall remove the restrictions on all voter records submitted pursuant to subsection E of this section by January 5 in the year after the court order expires. The county recorder shall send by mail one notification to either the peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member or the employing agency of a peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member who was granted an order pursuant to this section of the order's expiration date at least six months before the expiration date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming expiration date. The county recorder may coordinate with the county assessor and county treasurer to prevent multiple notices from being sent to the same person.

G. Upon entry of the court order, the clerk of the superior court shall file the court order with the county recorder. Upon receipt of the court order the county recorder shall seal the voter registration of the persons listed in the court order no later than one hundred twenty days from the date of receipt of the court order. To include a subsequent voter registration in the court order, a person listed in the court order shall present to the county recorder at the time of registration a certified copy of the court order or shall provide the county recorder the recording number of the court order. The information in the registration shall not be disclosed and is not a public record.

H. If the court denies an affiant's requested sealing of the voter registration record, the affiant may request a court hearing. The hearing shall be conducted by the court where the petition was filed.

I. On motion to the court, if the presiding judge of the superior court concludes that a voter registration record has been sealed in error or that the cause for the original affidavit no longer exists, the presiding judge may vacate the court order prohibiting public access to the voter registration record.

J. Upon request by a person who is protected under an order of protection or injunction against harassment and presentation of an order of protection issued pursuant to section 13-3602, an injunction against harassment issued pursuant to section 12-1809 or an order of protection or injunction against harassment issued by a court in another state, the county recorder shall seal the voter registration record of the person who is protected and, on request, any other registered voter who resides at the residence address of the protected person. The record shall be sealed no later than one hundred twenty days from the date of receipt of the court order. The information in the registration shall not be disclosed and is not a public record.

K. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Commissioner" means a commissioner of the superior court.

3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

4. "Eligible person" means a peace officer, BORDER PATROL AGENT, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counterterrorism center in the department of public safety.

5. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

6. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

7. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

8. "Prosecutor" means a United States attorney, a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

9. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

Sec. 4. Section 39-123, Arizona Revised Statutes, is amended to read:

39-123. <u>Information identifying eligible persons; confidentiality; definitions</u>

A. Nothing in this chapter requires disclosure from a personnel file by a law enforcement agency or employing state or local governmental entity of the home address or home telephone number of eligible persons.

B. The agency or governmental entity may release the information in subsection A of this section only if either:

1. The person consents in writing to the release.

2. The custodian of records of the agency or governmental entity determines that release of the information does not create a reasonable risk of physical injury to the person or the person's immediate family or damage to the property of the person or the person's immediate family.

C. A law enforcement agency may release a photograph of a peace officer if either:

1. The peace officer has been arrested or has been formally charged by complaint, information or indictment for a misdemeanor or a felony offense.

2. The photograph is requested by a representative of a newspaper for a specific newsworthy event unless:

(a) The peace officer is serving in an undercover capacity or is scheduled to be serving in an undercover capacity within sixty days.

(b) The release of the photograph is not in the best interest of this state after taking into consideration the privacy, confidentiality and safety of the peace officer.

(c) An order pursuant to section 28-454 is in effect.

D. This section does not prohibit the use of a peace officer's photograph that is either:

1. Used by a law enforcement agency to assist a person who has a complaint against an officer to identify the officer.

2. Obtained from a source other than the law enforcement agency.

E. This section does not apply to a certified peace officer or code enforcement officer who is no longer employed as a peace officer or code enforcement officer by a state or local government entity.

F. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Commissioner" means a commissioner of the superior court.

3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

4. "Eligible person" means a peace officer, BORDER PATROL AGENT, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, firefighter who is assigned to the Arizona counterterrorism center in the department of public safety or victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.

5. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

6. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

7. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

8. "Peace officer" has the same meaning prescribed in section 13-105.

9. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

10. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel

and includes an assistant or deputy federal public defender, county public defender or county legal defender.

Sec. 5. Section 39-124, Arizona Revised Statutes, is amended to read:

39-124. Releasing information identifying an eligible person; violations; classification; definitions

A. Any person who is employed by a state or local government entity and who, in violation of section 39-123, knowingly releases the home address or home telephone number of an eligible person with the intent to hinder an investigation, cause physical injury to an eligible person or the eligible person's immediate family or cause damage to the property of an eligible person or the eligible person's immediate family is guilty of a class 6 felony.

B. Any person who is employed by a state or local government entity and who, in violation of section 39-123, knowingly releases a photograph of a peace officer with the intent to hinder an investigation, cause physical injury to a peace officer or the peace officer's immediate family or cause damage to the property of a peace officer or the peace officer's immediate family is guilty of a class 6 felony.

C. For the purposes of this section:

1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2. "Commissioner" means a commissioner of the superior court.

3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

4. "Eligible person" means a peace officer, BORDER PATROL AGENT, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, firefighter who is assigned to the Arizona counterterrorism center in the department of public safety or victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.

5. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

6. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

7. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or

prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

8. "Peace officer" has the same meaning prescribed in section 13-105.

9. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

10. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

Sec. 6. Title 41, chapter 1, Arizona Revised Statutes, is amended by adding article 3, to read:

ARTICLE 3. ADDRESS CONFIDENTIALITY PROGRAM

41-151. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ACTUAL ADDRESS" MEANS A RESIDENTIAL, WORK OR SCHOOL ADDRESS AS SPECIFIED ON THE INDIVIDUAL'S APPLICATION TO BE A PROGRAM PARTICIPANT AND INCLUDES THE COUNTY AND VOTING PRECINCT NUMBER.

2. "ADDRESS CONFIDENTIALITY PROGRAM" MEANS THE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE IN THE OFFICE OF THE SECRETARY OF STATE TO PROTECT THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF A RELOCATED VICTIM OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE OR STALKING.

3. "APPLICANT" MEANS AN INDIVIDUAL IDENTIFIED AS SUCH IN AN APPLICATION RECEIVED BY THE SECRETARY OF STATE PURSUANT TO SECTION 41-153.

4. "APPLICATION ASSISTANT" MEANS A PERSON DESIGNATED BY THE SECRETARY OF STATE TO ASSIST AN APPLICANT IN THE PREPARATION OF AN APPLICATION TO PARTICIPATE IN THE ADDRESS CONFIDENTIALITY PROGRAM.

5. "DOMESTIC VIOLENCE" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3601.

6. "PROGRAM PARTICIPANT" MEANS AN INDIVIDUAL ACCEPTED INTO THE ADDRESS CONFIDENTIALITY PROGRAM.

7. "PUBLIC RECORD" MEANS ALL DOCUMENTS, PAPERS, LETTERS, MAPS, BOOKS, PHOTOGRAPHS, FILMS, SOUND RECORDINGS, MAGNETIC OR OTHER TAPES, DIGITAL DATA, ARTIFACTS OR OTHER DOCUMENTARY MATERIAL, REGARDLESS OF PHYSICAL FORM OR CHARACTERISTICS, MADE OR RECEIVED PURSUANT TO LAW OR ORDINANCE IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS BY A STATE OR LOCAL GOVERNMENT ENTITY.

8. "SEXUAL OFFENSE" MEANS AN OFFENSE INCLUDED IN TITLE 13, CHAPTER 14 OR 35.1.

9. "STALKING" MEANS AN OFFENSE PRESCRIBED IN SECTION 13-2923.

10. "STATE OR LOCAL GOVERNMENT ENTITY" MEANS EVERY ELECTED OR APPOINTED STATE OR LOCAL PUBLIC OFFICE, PUBLIC OFFICER OR OFFICIAL, BOARD, COMMISSION, BUREAU, COMMITTEE, COUNCIL, DEPARTMENT, AUTHORITY, AGENCY, INSTITUTION OF HIGHER EDUCATION OR OTHER UNIT OF THE EXECUTIVE, LEGISLATIVE OR JUDICIAL

BRANCH OF THIS STATE OR ANY CITY, TOWN, COUNTY, SCHOOL DISTRICT OR OTHER KIND OF MUNICIPAL, QUASI-MUNICIPAL OR PUBLIC CORPORATION BUT DOES NOT INCLUDE AN AGRICULTURAL IMPROVEMENT DISTRICT.

11. "SUBSTITUTE ADDRESS" MEANS AN ADDRESS THAT IS DESIGNATED BY THE SECRETARY OF STATE UNDER THE ADDRESS CONFIDENTIALITY PROGRAM AND THAT IS USED INSTEAD OF AN ACTUAL ADDRESS.

41-152. Address confidentiality; duties of secretary of state; application assistant; program termination

A. ON OR BEFORE DECEMBER 31, 2012, THE SECRETARY OF STATE SHALL ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM TO ALLOW PERSONS WHO HAVE BEEN SUBJECTED TO DOMESTIC VIOLENCE OFFENSES, SEXUAL OFFENSES OR STALKING TO KEEP THEIR RESIDENCE ADDRESSES CONFIDENTIAL AND NOT ACCESSIBLE TO THE GENERAL PUBLIC. PARTICIPANTS IN THE PROGRAM SHALL RECEIVE A SUBSTITUTE ADDRESS THAT BECOMES THE PARTICIPANT'S LAWFUL ADDRESS OF RECORD.

B. THE SECRETARY OF STATE SHALL:

1. DESIGNATE A SUBSTITUTE ADDRESS FOR A PROGRAM PARTICIPANT THAT IS USED BY STATE AND LOCAL GOVERNMENT ENTITIES AS SET FORTH IN THIS SECTION.

2. RECEIVE MAIL SENT TO A PROGRAM PARTICIPANT AT A SUBSTITUTE ADDRESS AND FORWARD THE MAIL TO THE PROGRAM PARTICIPANT AS SET FORTH IN PARAGRAPH 3 OF THIS SUBSECTION.

3. RECEIVE FIRST-CLASS, CERTIFIED OR REGISTERED MAIL ON BEHALF OF A PROGRAM PARTICIPANT AND FORWARD THE MAIL TO THE PROGRAM PARTICIPANT FOR NO CHARGE. THE SECRETARY OF STATE MAY ARRANGE TO RECEIVE AND FORWARD OTHER CLASSES OR KINDS OF MAIL AT THE PROGRAM PARTICIPANT'S EXPENSE. THE SECRETARY OF STATE IS NOT REQUIRED TO TRACK OR OTHERWISE MAINTAIN RECORDS OF ANY MAIL RECEIVED ON BEHALF OF A PROGRAM PARTICIPANT UNLESS THE MAIL IS CERTIFIED OR REGISTERED MAIL.

C. NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED BY COURT RULE, A PROGRAM PARTICIPANT MAY BE SERVED BY REGISTERED MAIL OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, ADDRESSED TO THE PROGRAM PARTICIPANT AT THE PROGRAM PARTICIPANT'S SUBSTITUTE ADDRESS WITH ANY PROCESS, NOTICE OR DEMAND REQUIRED OR PERMITTED BY LAW TO BE SERVED ON THE PROGRAM PARTICIPANT. THIS SUBSECTION DOES NOT PRESCRIBE THE ONLY MEANS, OR NECESSARILY THE REQUIRED MEANS, OF SERVING A PROGRAM PARTICIPANT IN THIS STATE.

D. THE SECRETARY OF STATE MAY DESIGNATE AS AN APPLICATION ASSISTANT ANY PERSON WHO:

1. PROVIDES COUNSELING, REFERRAL OR OTHER SERVICES TO VICTIMS OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE OR STALKING.

2. COMPLETES ANY TRAINING AND REGISTRATION PROCESS REQUIRED BY THE SECRETARY OF STATE.

E. ANY ASSISTANCE AND COUNSELING RENDERED BY THE SECRETARY OF STATE OR AN APPLICATION ASSISTANT TO AN APPLICANT RELATED TO THIS SECTION IS NOT LEGAL ADVICE.

F. THE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE ENDS ON JULY 1, 2021 PURSUANT TO SECTION 41-3102.

41-153. Filing and certification of applications; authorization cards

A. BEGINNING NO LATER THAN DECEMBER 31, 2012, ON THE RECOMMENDATION OF AN APPLICATION ASSISTANT, AN INDIVIDUAL MAY APPLY TO THE SECRETARY OF STATE TO PARTICIPATE IN THE ADDRESS CONFIDENTIALITY PROGRAM. THE FOLLOWING INDIVIDUALS MAY APPLY TO THE SECRETARY OF STATE TO HAVE AN ADDRESS DESIGNATED BY THE SECRETARY OF STATE TO SERVE AS THE SUBSTITUTE ADDRESS OF THE INDIVIDUAL AND ANY INDIVIDUALS IDENTIFIED PURSUANT TO SUBSECTION C, PARAGRAPH 10:

1. AN ADULT INDIVIDUAL.

2. A PARENT OR GUARDIAN ACTING ON BEHALF OF A MINOR IF THE MINOR RESIDES WITH THE INDIVIDUAL.

3. A GUARDIAN ACTING ON BEHALF OF AN INCAPACITATED INDIVIDUAL.

B. AN APPLICATION ASSISTANT SHALL ASSIST THE INDIVIDUAL IN THE PREPARATION OF THE APPLICATION. THE APPLICATION SHALL BE DATED, SIGNED AND VERIFIED BY THE APPLICANT AND SHALL BE SIGNED AND DATED BY THE APPLICATION ASSISTANT WHO ASSISTED IN THE PREPARATION OF THE APPLICATION. THE SIGNATURE OF THE APPLICATION ASSISTANT SERVES AS THE RECOMMENDATION BY THE APPLICATION ASSISTANT THAT THE APPLICANT HAVE AN ADDRESS DESIGNATED BY THE SECRETARY OF STATE TO SERVE AS THE SUBSTITUTE ADDRESS OF THE APPLICANT. A MINOR OR INCAPACITATED INDIVIDUAL ON WHOSE BEHALF A PARENT OR GUARDIAN COMPLETES AN APPLICATION PURSUANT TO THE AUTHORITY SET FORTH IN SUBSECTION A, PARAGRAPH 1 OR 2 IS CONSIDERED THE APPLICANT, BUT ANY STATEMENTS THAT ARE REQUIRED TO BE MADE BY THE APPLICANT SHALL BE MADE BY THE PARENT OR GUARDIAN ACTING ON BEHALF OF THE MINOR OR INCAPACITATED INDIVIDUAL.

C. THE APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE SECRETARY OF STATE AND SHALL CONTAIN ALL OF THE FOLLOWING:

1. THE APPLICANT'S NAME.

2. A STATEMENT BY THE APPLICANT THAT THE APPLICANT IS A VICTIM OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE OR STALKING AND THAT THE APPLICANT FEARS FOR THE APPLICANT'S SAFETY.

3. EVIDENCE THAT THE APPLICANT IS A VICTIM OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE OR STALKING. THIS EVIDENCE SHALL INCLUDE AT LEAST ONE OF THE FOLLOWING:

(a) LAW ENFORCEMENT, COURT OR OTHER STATE OR LOCAL GOVERNMENT ENTITY OR FEDERAL AGENCY RECORDS OR FILES.

(b) DOCUMENTATION FROM A DOMESTIC VIOLENCE PROGRAM OR FACILITY, INCLUDING A BATTERED WOMEN'S SHELTER OR SAFE HOUSE, IF THE APPLICANT IS ALLEGED TO BE A VICTIM OF DOMESTIC VIOLENCE.

(c) DOCUMENTATION FROM A SEXUAL ASSAULT PROGRAM IF THE APPLICANT IS ALLEGED TO BE A VICTIM OF A SEXUAL OFFENSE.

(d) DOCUMENTATION FROM A RELIGIOUS, MEDICAL OR OTHER PROFESSIONAL FROM WHOM THE APPLICANT HAS SOUGHT ASSISTANCE IN DEALING WITH THE ALLEGED DOMESTIC VIOLENCE, SEXUAL OFFENSE OR STALKING.

4. A STATEMENT BY THE APPLICANT THAT DISCLOSURE OF THE APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY.

5. A STATEMENT BY THE APPLICANT THAT THE APPLICANT HAS CONFIDENTIALLY RELOCATED IN THE PAST NINETY DAYS OR WILL CONFIDENTIALLY RELOCATE IN THIS STATE.

6. A DESIGNATION OF THE SECRETARY OF STATE AS AN AGENT FOR THE APPLICANT FOR PURPOSES OF RECEIVING CERTAIN MAIL.

7. THE MAILING ADDRESS AND TELEPHONE NUMBER WHERE THE APPLICANT CAN BE CONTACTED BY THE SECRETARY OF STATE.

8. THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT TO BE DISCLOSED BY THE SECRETARY OF STATE AND THAT DIRECTLY RELATES TO THE INCREASED RISK OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE OR STALKING.

9. A STATEMENT AS TO WHETHER THERE IS ANY EXISTING COURT ORDER OR COURT ACTION INVOLVING THE APPLICANT OR AN INDIVIDUAL IDENTIFIED PURSUANT TO PARAGRAPH 10 OF THIS SUBSECTION RELATED TO DISSOLUTION OF MARRIAGE PROCEEDINGS, CHILD SUPPORT OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME. THE STATEMENT SHALL INCLUDE THE NAME OF THE COURT THAT ISSUED THE ORDER OR THAT HAS JURISDICTION OVER THE ACTION, THE CASE NUMBER AND THE JUDGE ASSIGNED TO THE CASE.

10. THE NAME OF ANY PERSON WHO RESIDES WITH THE APPLICANT AND WHO ALSO NEEDS TO BE A PROGRAM PARTICIPANT IN ORDER TO ENSURE THE SAFETY OF THE APPLICANT AND, IF THE PERSON NAMED IN THE APPLICATION IS EIGHTEEN YEARS OF AGE OR OLDER, THE CONSENT OF THE PERSON TO BE A PROGRAM PARTICIPANT.

11. A STATEMENT BY THE APPLICANT, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF THE APPLICANT'S KNOWLEDGE, THE INFORMATION CONTAINED IN THE APPLICATION IS TRUE.

D. ON DETERMINING THAT AN APPLICATION IS PROPERLY COMPLETED, THE SECRETARY OF STATE SHALL CERTIFY THE APPLICANT AND ANY INDIVIDUAL WHO IS IDENTIFIED PURSUANT TO SUBSECTION C, PARAGRAPH 10 AS PROGRAM PARTICIPANTS. ON CERTIFICATION, THE SECRETARY OF STATE SHALL ISSUE TO THE PROGRAM PARTICIPANT AN ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD, WHICH SHALL INCLUDE THE PROGRAM PARTICIPANT'S SUBSTITUTE ADDRESS. THE CARD REMAINS VALID WHILE THE PROGRAM PARTICIPANT REMAINS CERTIFIED UNDER THE PROGRAM.

E. APPLICANTS AND INDIVIDUALS IDENTIFIED PURSUANT TO SUBSECTION C, PARAGRAPH 10 ARE CERTIFIED FOR FOUR YEARS FOLLOWING THE DATE OF FILING UNLESS THE CERTIFICATION IS WITHDRAWN OR CANCELED BEFORE THE END OF THE FOUR-YEAR PERIOD. A PROGRAM PARTICIPANT MAY WITHDRAW THE CERTIFICATION BY FILING A REQUEST FOR WITHDRAWAL ACKNOWLEDGED BEFORE A NOTARY PUBLIC. A CERTIFICATION MAY BE RENEWED BY FILING A RENEWAL APPLICATION WITH THE SECRETARY OF STATE AT LEAST THIRTY DAYS BEFORE THE EXPIRATION OF THE CURRENT CERTIFICATION. THE RENEWAL APPLICATION SHALL BE DATED, SIGNED AND VERIFIED BY THE APPLICANT AND SIGNED AND DATED BY THE APPLICATION ASSISTANT WHO ASSISTED IN THE PREPARATION OF THE RENEWAL APPLICATION. THE RENEWAL APPLICATION SHALL CONTAIN:

1. ANY STATEMENT OR INFORMATION THAT IS REQUIRED BY SUBSECTION C AND THAT HAS CHANGED FROM THE ORIGINAL APPLICATION OR A PRIOR RENEWAL APPLICATION.

2. A STATEMENT BY THE APPLICANT, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF THE APPLICANT'S KNOWLEDGE, THE INFORMATION CONTAINED IN THE RENEWAL APPLICATION AND A PRIOR APPLICATION IS TRUE.

41-154. Change of name, address or telephone number; cancellation of certification

A. A PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE WITHIN THIRTY DAYS AFTER THE PROGRAM PARTICIPANT HAS OBTAINED A LEGAL NAME CHANGE BY PROVIDING THE SECRETARY OF STATE A CERTIFIED COPY OF ANY JUDGMENT OR ORDER EVIDENCING THE CHANGE OR ANY OTHER DOCUMENTATION THE SECRETARY OF STATE DEEMS TO BE SUFFICIENT EVIDENCE OF THE NAME CHANGE.

B. A PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE OF A CHANGE IN ADDRESS OR TELEPHONE NUMBER FROM THE ADDRESS OR TELEPHONE NUMBER LISTED FOR THE PROGRAM PARTICIPANT ON THE APPLICATION PURSUANT TO SECTION 41-153, SUBSECTION C NO LATER THAN SEVEN DAYS AFTER THE CHANGE OCCURS.

C. THE CERTIFICATION OF A PROGRAM PARTICIPANT SHALL BE CANCELED UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

1. THE PROGRAM PARTICIPANT FILES A REQUEST FOR WITHDRAWAL OF THE CERTIFICATION PURSUANT TO SECTION 41-153, SUBSECTION E.

2. THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE SECRETARY OF STATE OF A CHANGE IN THE PROGRAM PARTICIPANT'S NAME, ADDRESS OR TELEPHONE NUMBER LISTED ON THE APPLICATION PURSUANT TO THIS SECTION.

3. THE PROGRAM PARTICIPANT OR PARENT OR GUARDIAN WHO COMPLETES AN APPLICATION ON BEHALF OF AN APPLICANT KNOWINGLY SUBMITTED FALSE INFORMATION IN THE PROGRAM APPLICATION.

4. MAIL FORWARDED TO THE PROGRAM PARTICIPANT BY THE SECRETARY OF STATE IS RETURNED AS UNDELIVERABLE.

D. IF THE SECRETARY OF STATE DETERMINES THAT THERE IS ONE OR MORE GROUNDS FOR CANCELING CERTIFICATION OF A PROGRAM PARTICIPANT PURSUANT TO SUBSECTION C OF THIS SECTION, THE SECRETARY OF STATE SHALL SEND NOTICE OF CANCELLATION TO THE PROGRAM PARTICIPANT. THE NOTICE OF CANCELLATION SHALL SET FORTH THE REASONS FOR CANCELLATION. THE PROGRAM PARTICIPANT HAS THIRTY DAYS TO APPEAL THE CANCELLATION DECISION UNDER RULES ADOPTED BY THE SECRETARY OF STATE.

E. AN INDIVIDUAL WHO CEASES TO BE A PROGRAM PARTICIPANT IS RESPONSIBLE FOR NOTIFYING ANY PERSON WHO USES THE SUBSTITUTE ADDRESS THAT THE DESIGNATED SUBSTITUTE ADDRESS IS NO LONGER VALID.

41-155. Disclosure of actual address prohibited; violation; classification

A. THE SECRETARY OF STATE SHALL NOT DISCLOSE ANY ADDRESS OR TELEPHONE NUMBER OF A PROGRAM PARTICIPANT OTHER THAN THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE, EXCEPT UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

1. THE INFORMATION IS REQUIRED BY DIRECTION OF A COURT ORDER, EXCEPT THAT ANY PERSON TO WHOM A PROGRAM PARTICIPANT'S ADDRESS OR TELEPHONE NUMBER HAS BEEN DISCLOSED SHALL NOT DISCLOSE THE ADDRESS OR TELEPHONE NUMBER TO ANY OTHER PERSON UNLESS PERMITTED TO DO SO BY ORDER OF THE COURT OR AS OTHERWISE PROVIDED BY LAW.

2. THE SECRETARY OF STATE GRANTS A REQUEST BY A STATE OR LOCAL GOVERNMENT ENTITY PURSUANT TO SECTION 41-157, SUBSECTION D.

B. THE SECRETARY OF STATE SHALL PROVIDE IMMEDIATE NOTIFICATION OF DISCLOSURE TO A PROGRAM PARTICIPANT IF DISCLOSURE IS MADE PURSUANT TO SUBSECTION A OF THIS SECTION.

C. IF, AT THE TIME OF APPLICATION, AN APPLICANT OR AN INDIVIDUAL IDENTIFIED PURSUANT TO SECTION 41-153, SUBSECTION C, PARAGRAPH 10 IS SUBJECT TO A COURT ORDER RELATED TO DISSOLUTION OF MARRIAGE PROCEEDINGS, CHILD SUPPORT OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME, THE SECRETARY OF STATE SHALL NOTIFY THE COURT THAT ISSUED THE ORDER OF THE CERTIFICATION OF THE PROGRAM PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM AND THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE. IF, AT THE TIME OF APPLICATION, AN APPLICANT OR AN INDIVIDUAL IDENTIFIED PURSUANT TO SECTION 41-153, SUBSECTION C, PARAGRAPH 10 IS INVOLVED IN A COURT ACTION RELATED TO DISSOLUTION OF MARRIAGE PROCEEDINGS, CHILD SUPPORT OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME, THE SECRETARY OF STATE SHALL NOTIFY THE COURT HAVING JURISDICTION OVER THE ACTION OF THE CERTIFICATION OF THE APPLICANT IN THE ADDRESS CONFIDENTIALITY PROGRAM AND THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE.

D. A PERSON SHALL NOT INTENTIONALLY OR KNOWINGLY OBTAIN A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM THE SECRETARY OF STATE OR A STATE OR LOCAL GOVERNMENT ENTITY KNOWING THAT THE PERSON IS NOT AUTHORIZED TO OBTAIN THE ADDRESS INFORMATION.

E. AN EMPLOYEE OF THE SECRETARY OF STATE OR A STATE OR LOCAL GOVERNMENT ENTITY SHALL NOT INTENTIONALLY OR KNOWINGLY DISCLOSE A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER UNLESS THE DISCLOSURE IS PERMISSIBLE BY LAW. THIS SUBSECTION ONLY APPLIES IF AN EMPLOYEE OBTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER DURING THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES AND, AT THE TIME OF DISCLOSURE, THE EMPLOYEE HAS SPECIFIC KNOWLEDGE THAT THE ACTUAL ADDRESS OR TELEPHONE NUMBER DISCLOSED BELONGS TO A PROGRAM PARTICIPANT.

F. ANY PERSON WHO INTENTIONALLY OR KNOWINGLY OBTAINS OR DISCLOSES INFORMATION IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

41-156. <u>Address use by state or local government entities</u>

A. THE PROGRAM PARTICIPANT, AND NOT THE SECRETARY OF STATE, IS RESPONSIBLE FOR REQUESTING THAT A STATE OR LOCAL GOVERNMENT ENTITY USE THE PROGRAM PARTICIPANT'S SUBSTITUTE ADDRESS AS THE PROGRAM PARTICIPANT'S RESIDENTIAL, WORK OR SCHOOL ADDRESS FOR ALL PURPOSES FOR WHICH THE STATE OR LOCAL GOVERNMENT ENTITY REQUIRES OR REQUESTS THE RESIDENTIAL, WORK OR SCHOOL ADDRESS.

B. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR UNLESS THE SECRETARY OF STATE GRANTS A STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST FOR DISCLOSURE PURSUANT TO SECTION 41-157, IF A PROGRAM PARTICIPANT SUBMITS A CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD TO THE STATE OR LOCAL GOVERNMENT ENTITY, THE STATE OR LOCAL GOVERNMENT ENTITY SHALL ACCEPT THE SUBSTITUTE ADDRESS DESIGNATION ON THE CARD AS THE PROGRAM PARTICIPANT'S ADDRESS FOR USE AS THE PROGRAM PARTICIPANT'S RESIDENTIAL, WORK OR SCHOOL ADDRESS WHEN CREATING A NEW PUBLIC RECORD. THE SUBSTITUTE ADDRESS GIVEN TO THE STATE OR LOCAL GOVERNMENT ENTITY IS CONSIDERED THE LAST KNOWN ADDRESS FOR THE PROGRAM PARTICIPANT USED BY THE STATE OR LOCAL GOVERNMENT ENTITY UNTIL THE TIME THAT THE STATE OR LOCAL GOVERNMENT ENTITY RECEIVES NOTIFICATION PURSUANT TO SECTION 41-154. THE STATE OR LOCAL GOVERNMENT ENTITY MAY MAKE A PHOTOCOPY OF THE CARD FOR THE RECORDS OF THE STATE OR LOCAL GOVERNMENT ENTITY AND SHALL IMMEDIATELY RETURN THE CARD TO THE PROGRAM PARTICIPANT.

C. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR BY ORDER OF THE COURT, IF A PROGRAM PARTICIPANT SUBMITS A CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD TO THE COURT, THE COURT SHALL ACCEPT THE SUBSTITUTE ADDRESS DESIGNATION ON THE CARD AS THE PROGRAM PARTICIPANT'S ADDRESS FOR USE AS THE PROGRAM PARTICIPANT'S RESIDENTIAL, WORK OR SCHOOL ADDRESS. THE SUBSTITUTE ADDRESS GIVEN TO THE COURT IS CONSIDERED THE LAST KNOWN ADDRESS FOR THE PROGRAM PARTICIPANT USED BY THE COURT UNTIL THE TIME THAT THE COURT RECEIVES NOTIFICATION PURSUANT TO SECTION 41-154. THE COURT MAY MAKE A PHOTOCOPY OF THE CARD FOR THE COURT FILE AND SHALL RETURN THE CARD TO THE PROGRAM PARTICIPANT.

D. THE SECRETARY OF STATE SHALL SEND NOTICE TO THE APPROPRIATE COUNTY ELECTION OFFICIAL AND RECORDER WHEN A PERSON BECOMES A PROGRAM PARTICIPANT SO THAT THE PARTICIPANT'S ADDRESS CAN BE KEPT CONFIDENTIAL IN THE SAME MANNER AS PRESCRIBED BY SECTION 16-153. BEFORE SENDING THE NOTICE, THE SECRETARY OF STATE SHALL CHECK THE STATEWIDE DATABASE TO DETERMINE WHETHER THE PARTICIPANT'S ADDRESS IS ALREADY PROTECTED AS PRESCRIBED BY SECTION 16-153. IF A PROGRAM PARTICIPANT WOULD LIKE TO REGISTER TO VOTE, OTHER THAN ONLINE OR AT A DRIVER LICENSE EXAMINATION FACILITY, THE PARTICIPANT SHALL PRESENT A COMPLETED FORM WITH THE PARTICIPANT'S SUBSTITUTE ADDRESS AND ADDRESS CONFIDENTIALITY PROGRAM CARD TO THE APPROPRIATE ELECTION OFFICIAL. THE PROGRAM PARTICIPANT SHALL PROVIDE THE ELECTION OFFICIAL WITH THE PARTICIPANT'S ACTUAL PHYSICAL ADDRESS FOR PRECINCT PURPOSES.

E. A DESIGNATED ELECTION OFFICIAL SHALL USE THE ACTUAL ADDRESS OF A PROGRAM PARTICIPANT FOR PRECINCT DESIGNATION AND ALL OFFICIAL ELECTION-RELATED PURPOSES AND SHALL KEEP THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS CONFIDENTIAL FROM THE PUBLIC. THE ELECTION OFFICIAL SHALL USE THE SUBSTITUTE ADDRESS FOR ALL CORRESPONDENCE AND MAILINGS PLACED IN THE UNITED STATES MAIL. THE SUBSTITUTE ADDRESS SHALL NOT BE USED AS AN ADDRESS FOR VOTER REGISTRATION.

F. A STATE OR LOCAL GOVERNMENT ENTITY'S ACCESS TO A PROGRAM PARTICIPANT'S VOTER REGISTRATION SHALL BE GOVERNED BY THE DISCLOSURE PROCESS SET FORTH IN SECTION 41-157.

G. THIS SECTION APPLIES ONLY TO A PROGRAM PARTICIPANT WHO SUBMITS A CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD WHEN REGISTERING TO VOTE.

H. A PROGRAM PARTICIPANT WHO COMPLETES AN APPLICATION TO REGISTER TO VOTE AT A DRIVER LICENSE EXAMINATION FACILITY WHILE RECEIVING A DRIVER LICENSE OR AN IDENTIFICATION CARD IS REQUIRED TO HAVE THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS ON THE DRIVER LICENSE OR IDENTIFICATION CARD. A PROGRAM PARTICIPANT WHOSE DRIVER LICENSE HAS THE SUBSTITUTE ADDRESS MAY REGISTER TO VOTE, IF OTHERWISE ELIGIBLE, PURSUANT TO SUBSECTION E OF THIS SECTION.

I. THE SUBSTITUTE ADDRESS SHALL NOT BE USED FOR PURPOSES OF LISTING, APPRAISING OR ASSESSING PROPERTY TAXES AND COLLECTING PROPERTY TAXES.

J. IF A PROGRAM PARTICIPANT IS REQUIRED BY LAW TO SWEAR OR AFFIRM TO THE PROGRAM PARTICIPANT'S ADDRESS, THE PROGRAM PARTICIPANT MAY USE THE PARTICIPANT'S SUBSTITUTE ADDRESS.

K. THE SUBSTITUTE ADDRESS SHALL NOT BE USED FOR PURPOSES OF ASSESSING ANY TAXES OR FEES ON A MOTOR VEHICLE OR FOR TITLING OR REGISTERING A MOTOR VEHICLE. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY RECORD THAT INCLUDES A PROGRAM PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO THIS SUBSECTION SHALL BE CONFIDENTIAL AND NOT AVAILABLE FOR INSPECTION BY ANYONE OTHER THAN THE PROGRAM PARTICIPANT.

L. THE SUBSTITUTE ADDRESS SHALL NOT BE USED ON ANY DOCUMENT RELATED TO REAL PROPERTY RECORDED WITH A RECORDER. IF A PROGRAM PARTICIPANT WOULD LIKE TO KEEP REAL PROPERTY RECORDS CONFIDENTIAL, THE PROGRAM PARTICIPANT SHALL COMPLY WITH SECTION 11-483.

M. A SCHOOL DISTRICT SHALL ACCEPT THE SUBSTITUTE ADDRESS AS THE ADDRESS OF RECORD AND SHALL VERIFY STUDENT ENROLLMENT ELIGIBILITY THROUGH THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL FACILITATE THE TRANSFER OF STUDENT RECORDS FROM ONE SCHOOL TO ANOTHER.

N. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PROGRAM PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER MAINTAINED BY A STATE OR LOCAL GOVERNMENT ENTITY OR DISCLOSED BY THE SECRETARY OF STATE IS NOT A PUBLIC RECORD THAT IS SUBJECT TO INSPECTION. THIS SUBSECTION SHALL NOT APPLY TO THE FOLLOWING:

1. ANY PUBLIC RECORD CREATED MORE THAN NINETY DAYS BEFORE THE DATE THAT THE PROGRAM PARTICIPANT APPLIED TO BE CERTIFIED IN THE PROGRAM.

2. IF A PROGRAM PARTICIPANT VOLUNTARILY REQUESTS THAT A STATE OR LOCAL GOVERNMENT ENTITY USE THE PARTICIPANT'S ACTUAL ADDRESS OR VOLUNTARILY GIVES THE ACTUAL ADDRESS TO THE STATE OR LOCAL GOVERNMENT ENTITY.

O. FOR ANY PUBLIC RECORD CREATED WITHIN NINETY DAYS BEFORE THE DATE THAT A PROGRAM PARTICIPANT APPLIED TO BE CERTIFIED IN THE PROGRAM, A STATE OR LOCAL GOVERNMENT ENTITY SHALL REDACT THE ACTUAL ADDRESS FROM A PUBLIC RECORD

OR CHANGE THE ACTUAL ADDRESS TO THE SUBSTITUTE ADDRESS IN THE PUBLIC RECORD, IF A PROGRAM PARTICIPANT WHO PRESENTS A CURRENT AND VALID PROGRAM AUTHORIZATION CARD REQUESTS THE ENTITY THAT MAINTAINS THE PUBLIC RECORD TO USE THE SUBSTITUTE ADDRESS INSTEAD OF THE ACTUAL ADDRESS ON THE PUBLIC RECORD.

41-157. Request for disclosure

A. EXCEPT AS OTHERWISE PROVIDED BY LAW, A STATE OR LOCAL GOVERNMENT ENTITY REQUESTING DISCLOSURE OF A PROGRAM PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO THIS SECTION SHALL MAKE THE REQUEST IN WRITING ON THE ENTITY'S LETTERHEAD AND SHALL PROVIDE THE SECRETARY OF STATE WITH THE FOLLOWING INFORMATION:

1. THE NAME OF THE PROGRAM PARTICIPANT FOR WHOM THE STATE OR LOCAL GOVERNMENT ENTITY SEEKS DISCLOSURE OF THE ACTUAL ADDRESS.

2. A STATEMENT, WITH EXPLANATION, SETTING FORTH THE REASON THAT THE STATE OR LOCAL GOVERNMENT ENTITY NEEDS THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS AND A STATEMENT THAT THE STATE OR LOCAL GOVERNMENT ENTITY CANNOT MEET ITS STATUTORY OR ADMINISTRATIVE OBLIGATIONS WITHOUT DISCLOSURE OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS.

3. A PARTICULAR STATEMENT OF FACTS SHOWING THAT OTHER METHODS TO LOCATE THE PROGRAM PARTICIPANT OR THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS HAVE BEEN TRIED AND HAVE FAILED OR THAT THE METHODS REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED.

4. A STATEMENT THAT THE STATE OR LOCAL GOVERNMENT ENTITY HAS ADOPTED A PROCEDURE SETTING FORTH THE STEPS THE STATE OR LOCAL GOVERNMENT ENTITY WILL TAKE TO PROTECT THE CONFIDENTIALITY OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS.

5. ANY OTHER INFORMATION AS THE SECRETARY OF STATE MAY REASONABLY REQUEST IN ORDER TO IDENTIFY THE PROGRAM PARTICIPANT IN THE RECORDS OF THE SECRETARY OF STATE.

B. THE SECRETARY OF STATE SHALL PROVIDE THE PROGRAM PARTICIPANT WITH NOTICE OF A REQUEST FOR DISCLOSURE RECEIVED PURSUANT TO SUBSECTION A, AND, TO THE EXTENT POSSIBLE, THE PARTICIPANT SHALL BE AFFORDED AN OPPORTUNITY TO BE HEARD REGARDING THE REQUEST.

C. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION D, THE SECRETARY OF STATE SHALL PROVIDE THE PROGRAM PARTICIPANT WITH WRITTEN NOTIFICATION IF A REQUEST FOR A DISCLOSURE IS GRANTED OR DENIED PURSUANT TO THIS SECTION.

D. A NOTICE OR OPPORTUNITY TO BE HEARD SHALL NOT BE PROVIDED TO THE PROGRAM PARTICIPANT IF THE REQUEST FOR DISCLOSURE IS MADE BY A STATE OR LOCAL LAW ENFORCEMENT AGENCY CONDUCTING A CRIMINAL INVESTIGATION INVOLVING ALLEGED CRIMINAL CONDUCT BY THE PROGRAM PARTICIPANT OR IF PROVIDING NOTICE TO THE PROGRAM PARTICIPANT WOULD JEOPARDIZE AN ONGOING CRIMINAL INVESTIGATION OR THE SAFETY OF LAW ENFORCEMENT PERSONNEL.

E. THE SECRETARY OF STATE SHALL PROMPTLY CONDUCT A REVIEW OF ALL REQUESTS RECEIVED PURSUANT TO THIS SECTION. THE DIRECTOR OF THE ADDRESS CONFIDENTIALITY PROGRAM, OR THE DIRECTOR'S DESIGNEE, SHALL ENSURE THAT STATE

1 AND LOCAL GOVERNMENT ENTITIES HAVE TWENTY-FOUR HOUR ACCESS TO THE DIRECTOR OR
2 THE DIRECTOR'S DESIGNEE FOR THE PURPOSES OF A REQUEST FOR DISCLOSURE. IN
3 CONDUCTING A REVIEW, THE SECRETARY OF STATE SHALL CONSIDER ALL INFORMATION
4 RECEIVED PURSUANT TO SUBSECTION A, PARAGRAPHS 1 AND 2 AND ANY OTHER
5 APPROPRIATE INFORMATION THAT THE SECRETARY OF STATE MAY REQUIRE.
6 F. THE SECRETARY OF STATE SHALL GRANT A STATE OR LOCAL GOVERNMENT
7 ENTITY'S REQUEST FOR DISCLOSURE AND DISCLOSE A PROGRAM PARTICIPANT'S ACTUAL
8 ADDRESS PURSUANT TO THIS SECTION IF:
9 1. THE STATE OR LOCAL GOVERNMENT ENTITY HAS A BONA FIDE STATUTORY OR
10 ADMINISTRATIVE NEED FOR THE ACTUAL ADDRESS.
11 2. THE ACTUAL ADDRESS WILL ONLY BE USED FOR THE PURPOSE STATED IN THE
12 REQUEST.
13 3. OTHER METHODS TO LOCATE THE PROGRAM PARTICIPANT OR THE PROGRAM
14 PARTICIPANT'S ACTUAL ADDRESS HAVE BEEN TRIED AND HAVE FAILED OR THE METHODS
15 REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED.
16 4. THE STATE OR LOCAL GOVERNMENT ENTITY HAS ADOPTED A PROCEDURE FOR
17 PROTECTING THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF THE PROGRAM
18 PARTICIPANT.
19 G. ON GRANTING A REQUEST FOR DISCLOSURE PURSUANT TO THIS SECTION, THE
20 SECRETARY OF STATE SHALL PROVIDE THE STATE OR LOCAL GOVERNMENT ENTITY WITH
21 THE DISCLOSURE THAT CONTAINS:
22 1. THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS.
23 2. A STATEMENT SETTING FORTH THE PERMITTED USE OF THE ACTUAL ADDRESS
24 AND THE NAMES OR CLASSES OF PERSONS PERMITTED TO HAVE ACCESS TO AND USE OF
25 THE ACTUAL ADDRESS.
26 3. A STATEMENT THAT THE STATE OR LOCAL GOVERNMENT ENTITY IS REQUIRED
27 TO LIMIT ACCESS TO AND USE OF THE ACTUAL ADDRESS TO THE PERMITTED USE AND
28 PERSONS SET FORTH IN THE DISCLOSURE.
29 4. THE DATE ON WHICH THE PERMITTED USE EXPIRES, IF EXPIRATION IS
30 APPROPRIATE, AFTER WHICH THE STATE OR LOCAL GOVERNMENT ENTITY MAY NO LONGER
31 MAINTAIN, USE OR HAVE ACCESS TO THE ACTUAL ADDRESS.
32 H. A STATE OR LOCAL GOVERNMENT ENTITY WHOSE REQUEST IS GRANTED BY THE
33 SECRETARY OF STATE PURSUANT TO THIS SECTION SHALL:
34 1. LIMIT THE USE OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS TO THE
35 PURPOSES SET FORTH IN THE DISCLOSURE.
36 2. LIMIT THE ACCESS TO THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS TO THE
37 PERSONS OR CLASSES OF PERSONS SET FORTH IN THE DISCLOSURE.
38 3. CEASE TO USE AND DISPOSE OF THE PROGRAM PARTICIPANT'S ACTUAL
39 ADDRESS ON THE EXPIRATION OF THE PERMITTED USE, IF APPLICABLE.
40 4. EXCEPT AS OTHERWISE SET FORTH IN THE DISCLOSURE, MAINTAIN THE
41 CONFIDENTIALITY OF A PROGRAM PARTICIPANT'S ACTUAL ADDRESS.
42 I. ON DENIAL OF A STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST FOR
43 DISCLOSURE, THE SECRETARY OF STATE SHALL PROVIDE PROMPT WRITTEN NOTIFICATION
44 TO THE STATE OR LOCAL GOVERNMENT ENTITY STATING THAT THE STATE OR LOCAL

1 GOVERNMENT ENTITY'S REQUEST HAS BEEN DENIED AND SETTING FORTH THE SPECIFIC
2 REASONS FOR THE DENIAL.
3 J. A STATE OR LOCAL GOVERNMENT ENTITY MAY FILE WRITTEN EXCEPTIONS WITH
4 THE SECRETARY OF STATE NO MORE THAN FIFTEEN DAYS AFTER WRITTEN NOTIFICATION
5 IS PROVIDED PURSUANT TO SUBSECTION I. THE EXCEPTIONS SHALL RESTATE THE
6 INFORMATION CONTAINED IN THE REQUEST FOR DISCLOSURE, STATE THE GROUNDS ON
7 WHICH THE STATE OR LOCAL GOVERNMENT ENTITY ASSERTS THAT THE REQUEST FOR
8 DISCLOSURE SHOULD BE GRANTED AND SPECIFICALLY RESPOND TO THE SECRETARY OF
9 STATE'S SPECIFIC REASONS FOR DENIAL.
10 K. UNLESS THE STATE OR LOCAL GOVERNMENT ENTITY FILING EXCEPTIONS
11 AGREES OTHERWISE, THE SECRETARY OF STATE SHALL MAKE A FINAL DETERMINATION
12 REGARDING THE EXCEPTIONS WITHIN THIRTY DAYS AFTER THE FILING OF EXCEPTIONS
13 PURSUANT TO SUBSECTION J. BEFORE MAKING A FINAL DETERMINATION REGARDING THE
14 EXCEPTIONS, THE SECRETARY OF STATE MAY REQUEST ADDITIONAL INFORMATION FROM
15 THE STATE OR LOCAL GOVERNMENT ENTITY OR THE PROGRAM PARTICIPANT AND CONDUCT A
16 HEARING. IF THE FINAL DETERMINATION OF THE SECRETARY OF STATE IS THAT THE
17 DENIAL OF THE STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST FOR DISCLOSURE WAS
18 PROPERLY DENIED, THE SECRETARY OF STATE SHALL PROVIDE THE STATE OR LOCAL
19 GOVERNMENT ENTITY WITH WRITTEN NOTIFICATION OF THIS FINAL DETERMINATION
20 STATING THAT THE STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST HAS AGAIN BEEN
21 DENIED AND SETTING FORTH THE SPECIFIC REASONS FOR THE DENIAL. IF THE FINAL
22 DETERMINATION OF THE SECRETARY OF STATE IS THAT THE DENIAL OF THE STATE OR
23 LOCAL GOVERNMENT ENTITY'S REQUEST FOR DISCLOSURE HAS BEEN IMPROPERLY DENIED,
24 THE SECRETARY OF STATE SHALL GRANT THE STATE OR LOCAL GOVERNMENT ENTITY'S
25 REQUEST FOR DISCLOSURE IN ACCORDANCE WITH THIS SECTION. THE FINAL
26 DETERMINATION OF THE SECRETARY OF STATE SHALL CONSTITUTE FINAL ENTITY ACTION.
27 L. THE RECORD BEFORE ANY JUDICIAL REVIEW OF A FINAL ENTITY ACTION
28 PURSUANT TO SUBSECTION K SHALL CONSIST OF THE STATE OR LOCAL GOVERNMENT
29 ENTITY'S REQUEST FOR DISCLOSURE, THE SECRETARY OF STATE'S WRITTEN RESPONSE,
30 THE STATE OR LOCAL GOVERNMENT ENTITY'S EXCEPTIONS, THE HEARING TRANSCRIPT, IF
31 ANY, AND THE SECRETARY OF STATE'S FINAL DETERMINATION.
32 M. DURING ANY PERIOD OF REVIEW, EVALUATION OR APPEAL, THE STATE OR
33 LOCAL GOVERNMENT ENTITY, TO THE EXTENT POSSIBLE, SHALL ACCEPT AND USE THE
34 PROGRAM PARTICIPANT'S SUBSTITUTE ADDRESS.
35 N. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE SECRETARY
36 OF STATE SHALL ESTABLISH AN EXPEDITED PROCESS FOR DISCLOSURE TO BE USED BY A
37 COURT, CLERK OF THE COURT, CRIMINAL JUSTICE OFFICIAL OR AGENCY OR A PROBATION
38 DEPARTMENT FOR SITUATIONS WHERE DISCLOSURE IS RELATED TO A CRIMINAL
39 PROCEEDING OR INVESTIGATION INVOLVING A PROGRAM PARTICIPANT OR ANY OTHER
40 COURT PROCEEDING. AN OFFICIAL OR AGENCY RECEIVING INFORMATION PURSUANT TO
41 THIS SUBSECTION SHALL CERTIFY TO THE SECRETARY OF STATE THAT THE OFFICIAL OR
42 AGENCY HAS A SYSTEM IN PLACE TO PROTECT THE CONFIDENTIALITY OF A PROGRAM
43 PARTICIPANT'S ACTUAL ADDRESS FROM THE PUBLIC AND FROM PERSONNEL WHO ARE NOT
44 INVOLVED IN THE TRIAL, HEARING, PROCEEDING OR INVESTIGATION.

O. THIS SECTION DOES NOT PREVENT THE SECRETARY OF STATE FROM GRANTING A REQUEST FOR DISCLOSURE TO A STATE OR LOCAL GOVERNMENT ENTITY PURSUANT TO THIS SECTION ON RECEIPT OF A PROGRAM PARTICIPANT'S WRITTEN CONSENT TO DO SO.

41-158. Nondisclosure of address in court proceedings

A COURT OR ADMINISTRATIVE TRIBUNAL MAY SEAL THE PORTION OF ANY RECORD THAT CONTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS. THIS SECTION DOES NOT PREVENT A STATE OR LOCAL GOVERNMENT ENTITY, IN ITS DISCRETION, FROM USING A PROGRAM PARTICIPANT'S ACTUAL ADDRESS IN ANY DOCUMENT OR RECORD FILED WITH A COURT OR ADMINISTRATIVE TRIBUNAL IF, AT THE TIME OF FILING, THE DOCUMENT OR RECORD IS NOT A PUBLIC RECORD.

41-159. Address confidentiality program fund

A. THE ADDRESS CONFIDENTIALITY PROGRAM FUND IS ESTABLISHED CONSISTING OF ASSESSMENTS COLLECTED PURSUANT TO SECTION 12-116.04.

B. THE SECRETARY OF STATE SHALL ADMINISTER THE FUND AND SPEND MONIES IN THE FUND IN ORDER TO DEFRAY THE COST OF THE ADMINISTRATION OF THE ADDRESS CONFIDENTIALITY PROGRAM.

C. ON NOTICE FROM THE SECRETARY OF STATE, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

D. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

Sec. 7. Funding intent

It is the intent of the legislature that the address confidentiality program established pursuant to section 41-152, Arizona Revised Statutes, as added by this act, shall not be funded by the state general fund but shall be funded by levying a surcharge on fines or other penalties assessed against persons who are convicted of offenses involving domestic violence, sexual offenses and stalking.

Sec. 8. Effective date

Section 12-116.04, Arizona Revised Statutes, as added by this act, is effective from and after December 31, 2011.

APPROVED BY THE GOVERNOR APRIL 19, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.

Passed the House March 7, 20 11

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate April 11, 20 11

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

H.B. 2302

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 13, 2011,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 2011,

at 8:30 o'clock A. M.

Nicole Bonke

Secretary to the Governor

Approved this 19th day of

April, 2011,

at 9:21 o'clock A. M.

Jan K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19th day of April, 2011,

at 11:12 o'clock a M.

Ken Bennett

Secretary of State

H.B. 2302