

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

# HOUSE BILL 2302

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-116.04; AMENDING TITLE 41, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; RELATING TO ADDRESS CONFIDENTIALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 12-116.04. Address confidentiality program assessment

5 A. IN ADDITION TO ANY OTHER PENALTY, FINE, FEE OR ASSESSMENT  
6 AUTHORIZED BY LAW, A PERSON WHO IS CONVICTED OF AN OFFENSE INCLUDED IN TITLE  
7 13, CHAPTER 14 OR 35.1, STALKING PURSUANT TO SECTION 13-2923 OR A DOMESTIC  
8 VIOLENCE OFFENSE PURSUANT TO SECTION 13-3601 SHALL PAY AN ASSESSMENT OF FIFTY  
9 DOLLARS. THE COURT MAY WAIVE ALL OR A PORTION OF THE ASSESSMENT IF THE COURT  
10 FINDS THAT THE DEFENDANT IS UNABLE TO PAY ALL OR ANY PORTION OF THE  
11 ASSESSMENT.

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

18 Sec. 2. Title 41, chapter 1, Arizona Revised Statutes, is amended by  
19 adding article 3, to read:

20 ARTICLE 3. ADDRESS CONFIDENTIALITY PROGRAM

21 41-151. Definitions

22 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

35 5. "DOMESTIC VIOLENCE" HAS THE SAME MEANING PRESCRIBED IN SECTION  
36 13-3601.

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

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

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

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

4           10. "STATE OR LOCAL GOVERNMENT ENTITY" MEANS EVERY ELECTED OR APPOINTED  
5 STATE OR LOCAL PUBLIC OFFICE, PUBLIC OFFICER OR OFFICIAL, BOARD, COMMISSION,  
6 BUREAU, COMMITTEE, COUNCIL, DEPARTMENT, AUTHORITY, AGENCY, INSTITUTION OF  
7 HIGHER EDUCATION OR OTHER UNIT OF THE EXECUTIVE, LEGISLATIVE OR JUDICIAL  
8 BRANCH OF THIS STATE OR ANY CITY, TOWN, COUNTY, SCHOOL DISTRICT OR OTHER KIND  
9 OF MUNICIPAL, QUASI-MUNICIPAL OR PUBLIC CORPORATION BUT DOES NOT INCLUDE AN  
10 AGRICULTURAL IMPROVEMENT DISTRICT.

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

14           41-152. Address confidentiality; duties of secretary of state;  
15 application assistant; program termination

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

22           B. THE SECRETARY OF STATE SHALL:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

42 E. APPLICANTS AND INDIVIDUALS IDENTIFIED PURSUANT TO SUBSECTION C,  
43 PARAGRAPH 10 ARE CERTIFIED FOR FOUR YEARS FOLLOWING THE DATE OF FILING UNLESS  
44 THE CERTIFICATION IS WITHDRAWN OR CANCELED BEFORE THE END OF THE FOUR-YEAR  
45 PERIOD. A PROGRAM PARTICIPANT MAY WITHDRAW THE CERTIFICATION BY FILING A

1 REQUEST FOR WITHDRAWAL ACKNOWLEDGED BEFORE A NOTARY PUBLIC. A CERTIFICATION  
2 MAY BE RENEWED BY FILING A RENEWAL APPLICATION WITH THE SECRETARY OF STATE AT  
3 LEAST THIRTY DAYS BEFORE THE EXPIRATION OF THE CURRENT CERTIFICATION. THE  
4 RENEWAL APPLICATION SHALL BE DATED, SIGNED AND VERIFIED BY THE APPLICANT AND  
5 SIGNED AND DATED BY THE APPLICATION ASSISTANT WHO ASSISTED IN THE PREPARATION  
6 OF THE RENEWAL APPLICATION. THE RENEWAL APPLICATION SHALL CONTAIN:

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

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

13 41-154. Change of name, address or telephone number;  
14 cancellation of certification

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

20 B. A PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE OF A  
21 CHANGE IN ADDRESS OR TELEPHONE NUMBER FROM THE ADDRESS OR TELEPHONE NUMBER  
22 LISTED FOR THE PROGRAM PARTICIPANT ON THE APPLICATION PURSUANT TO SECTION  
23 41-153, SUBSECTION C NO LATER THAN SEVEN DAYS AFTER THE CHANGE OCCURS.

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

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

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

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

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

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

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

1           41-155. Disclosure of actual address prohibited; violation:  
2                                   classification

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

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

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

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

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

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

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

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

1           41-156. Address use by state or local government entities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           0. FOR ANY PUBLIC RECORD CREATED WITHIN NINETY DAYS BEFORE THE DATE  
7 THAT A PROGRAM PARTICIPANT APPLIED TO BE CERTIFIED IN THE PROGRAM, A STATE OR  
8 LOCAL GOVERNMENT ENTITY SHALL REDACT THE ACTUAL ADDRESS FROM A PUBLIC RECORD  
9 OR CHANGE THE ACTUAL ADDRESS TO THE SUBSTITUTE ADDRESS IN THE PUBLIC RECORD,  
10 IF A PROGRAM PARTICIPANT WHO PRESENTS A CURRENT AND VALID PROGRAM  
11 AUTHORIZATION CARD REQUESTS THE ENTITY THAT MAINTAINS THE PUBLIC RECORD TO  
12 USE THE SUBSTITUTE ADDRESS INSTEAD OF THE ACTUAL ADDRESS ON THE PUBLIC  
13 RECORD.

14           41-157. Request for disclosure

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

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

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

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

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

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

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

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

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

7 E. THE SECRETARY OF STATE SHALL PROMPTLY CONDUCT A REVIEW OF ALL  
8 REQUESTS RECEIVED PURSUANT TO THIS SECTION. THE DIRECTOR OF THE ADDRESS  
9 CONFIDENTIALITY PROGRAM, OR THE DIRECTOR'S DESIGNEE, SHALL ENSURE THAT STATE  
10 AND LOCAL GOVERNMENT ENTITIES HAVE TWENTY-FOUR HOUR ACCESS TO THE DIRECTOR OR  
11 THE DIRECTOR'S DESIGNEE FOR THE PURPOSES OF A REQUEST FOR DISCLOSURE. IN  
12 CONDUCTING A REVIEW, THE SECRETARY OF STATE SHALL CONSIDER ALL INFORMATION  
13 RECEIVED PURSUANT TO SUBSECTION A, PARAGRAPHS 1 AND 2 AND ANY OTHER  
14 APPROPRIATE INFORMATION THAT THE SECRETARY OF STATE MAY REQUIRE.

15 F. THE SECRETARY OF STATE SHALL GRANT A STATE OR LOCAL GOVERNMENT  
16 ENTITY'S REQUEST FOR DISCLOSURE AND DISCLOSE A PROGRAM PARTICIPANT'S ACTUAL  
17 ADDRESS PURSUANT TO THIS SECTION IF:

18 1. THE STATE OR LOCAL GOVERNMENT ENTITY HAS A BONA FIDE STATUTORY OR  
19 ADMINISTRATIVE NEED FOR THE ACTUAL ADDRESS.

20 2. THE ACTUAL ADDRESS WILL ONLY BE USED FOR THE PURPOSE STATED IN THE  
21 REQUEST.

22 3. OTHER METHODS TO LOCATE THE PROGRAM PARTICIPANT OR THE PROGRAM  
23 PARTICIPANT'S ACTUAL ADDRESS HAVE BEEN TRIED AND HAVE FAILED OR THE METHODS  
24 REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED.

25 4. THE STATE OR LOCAL GOVERNMENT ENTITY HAS ADOPTED A PROCEDURE FOR  
26 PROTECTING THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF THE PROGRAM  
27 PARTICIPANT.

28 G. ON GRANTING A REQUEST FOR DISCLOSURE PURSUANT TO THIS SECTION, THE  
29 SECRETARY OF STATE SHALL PROVIDE THE STATE OR LOCAL GOVERNMENT ENTITY WITH  
30 THE DISCLOSURE THAT CONTAINS:

31 1. THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS.

32 2. A STATEMENT SETTING FORTH THE PERMITTED USE OF THE ACTUAL ADDRESS  
33 AND THE NAMES OR CLASSES OF PERSONS PERMITTED TO HAVE ACCESS TO AND USE OF  
34 THE ACTUAL ADDRESS.

35 3. A STATEMENT THAT THE STATE OR LOCAL GOVERNMENT ENTITY IS REQUIRED  
36 TO LIMIT ACCESS TO AND USE OF THE ACTUAL ADDRESS TO THE PERMITTED USE AND  
37 PERSONS SET FORTH IN THE DISCLOSURE.

38 4. THE DATE ON WHICH THE PERMITTED USE EXPIRES, IF EXPIRATION IS  
39 APPROPRIATE, AFTER WHICH THE STATE OR LOCAL GOVERNMENT ENTITY MAY NO LONGER  
40 MAINTAIN, USE OR HAVE ACCESS TO THE ACTUAL ADDRESS.

41 H. A STATE OR LOCAL GOVERNMENT ENTITY WHOSE REQUEST IS GRANTED BY THE  
42 SECRETARY OF STATE PURSUANT TO THIS SECTION SHALL:

43 1. LIMIT THE USE OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS TO THE  
44 PURPOSES SET FORTH IN THE DISCLOSURE.

1           2. LIMIT THE ACCESS TO THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS TO THE  
2 PERSONS OR CLASSES OF PERSONS SET FORTH IN THE DISCLOSURE.

3           3. CEASE TO USE AND DISPOSE OF THE PROGRAM PARTICIPANT'S ACTUAL  
4 ADDRESS ON THE EXPIRATION OF THE PERMITTED USE, IF APPLICABLE.

5           4. EXCEPT AS OTHERWISE SET FORTH IN THE DISCLOSURE, MAINTAIN THE  
6 CONFIDENTIALITY OF A PROGRAM PARTICIPANT'S ACTUAL ADDRESS.

7           I. ON DENIAL OF A STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST FOR  
8 DISCLOSURE, THE SECRETARY OF STATE SHALL PROVIDE PROMPT WRITTEN NOTIFICATION  
9 TO THE STATE OR LOCAL GOVERNMENT ENTITY STATING THAT THE STATE OR LOCAL  
10 GOVERNMENT ENTITY'S REQUEST HAS BEEN DENIED AND SETTING FORTH THE SPECIFIC  
11 REASONS FOR THE DENIAL.

12           J. A STATE OR LOCAL GOVERNMENT ENTITY MAY FILE WRITTEN EXCEPTIONS WITH  
13 THE SECRETARY OF STATE NO MORE THAN FIFTEEN DAYS AFTER WRITTEN NOTIFICATION  
14 IS PROVIDED PURSUANT TO SUBSECTION I. THE EXCEPTIONS SHALL RESTATE THE  
15 INFORMATION CONTAINED IN THE REQUEST FOR DISCLOSURE, STATE THE GROUNDS ON  
16 WHICH THE STATE OR LOCAL GOVERNMENT ENTITY ASSERTS THAT THE REQUEST FOR  
17 DISCLOSURE SHOULD BE GRANTED AND SPECIFICALLY RESPOND TO THE SECRETARY OF  
18 STATE'S SPECIFIC REASONS FOR DENIAL.

19           K. UNLESS THE STATE OR LOCAL GOVERNMENT ENTITY FILING EXCEPTIONS  
20 AGREES OTHERWISE, THE SECRETARY OF STATE SHALL MAKE A FINAL DETERMINATION  
21 REGARDING THE EXCEPTIONS WITHIN THIRTY DAYS AFTER THE FILING OF EXCEPTIONS  
22 PURSUANT TO SUBSECTION J. BEFORE MAKING A FINAL DETERMINATION REGARDING THE  
23 EXCEPTIONS, THE SECRETARY OF STATE MAY REQUEST ADDITIONAL INFORMATION FROM  
24 THE STATE OR LOCAL GOVERNMENT ENTITY OR THE PROGRAM PARTICIPANT AND CONDUCT A  
25 HEARING. IF THE FINAL DETERMINATION OF THE SECRETARY OF STATE IS THAT THE  
26 DENIAL OF THE STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST FOR DISCLOSURE WAS  
27 PROPERLY DENIED, THE SECRETARY OF STATE SHALL PROVIDE THE STATE OR LOCAL  
28 GOVERNMENT ENTITY WITH WRITTEN NOTIFICATION OF THIS FINAL DETERMINATION  
29 STATING THAT THE STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST HAS AGAIN BEEN  
30 DENIED AND SETTING FORTH THE SPECIFIC REASONS FOR THE DENIAL. IF THE FINAL  
31 DETERMINATION OF THE SECRETARY OF STATE IS THAT THE DENIAL OF THE STATE OR  
32 LOCAL GOVERNMENT ENTITY'S REQUEST FOR DISCLOSURE HAS BEEN IMPROPERLY DENIED,  
33 THE SECRETARY OF STATE SHALL GRANT THE STATE OR LOCAL GOVERNMENT ENTITY'S  
34 REQUEST FOR DISCLOSURE IN ACCORDANCE WITH THIS SECTION. THE FINAL  
35 DETERMINATION OF THE SECRETARY OF STATE SHALL CONSTITUTE FINAL ENTITY ACTION.

36           L. THE RECORD BEFORE ANY JUDICIAL REVIEW OF A FINAL ENTITY ACTION  
37 PURSUANT TO SUBSECTION K SHALL CONSIST OF THE STATE OR LOCAL GOVERNMENT  
38 ENTITY'S REQUEST FOR DISCLOSURE, THE SECRETARY OF STATE'S WRITTEN RESPONSE,  
39 THE STATE OR LOCAL GOVERNMENT ENTITY'S EXCEPTIONS, THE HEARING TRANSCRIPT, IF  
40 ANY, AND THE SECRETARY OF STATE'S FINAL DETERMINATION.

41           M. DURING ANY PERIOD OF REVIEW, EVALUATION OR APPEAL, THE STATE OR  
42 LOCAL GOVERNMENT ENTITY, TO THE EXTENT POSSIBLE, SHALL ACCEPT AND USE THE  
43 PROGRAM PARTICIPANT'S SUBSTITUTE ADDRESS.

1 N. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE SECRETARY  
2 OF STATE SHALL ESTABLISH AN EXPEDITED PROCESS FOR DISCLOSURE TO BE USED BY A  
3 COURT, CLERK OF THE COURT, CRIMINAL JUSTICE OFFICIAL OR AGENCY OR A PROBATION  
4 DEPARTMENT FOR SITUATIONS WHERE DISCLOSURE IS RELATED TO A CRIMINAL  
5 PROCEEDING OR INVESTIGATION INVOLVING A PROGRAM PARTICIPANT OR ANY OTHER  
6 COURT PROCEEDING. AN OFFICIAL OR AGENCY RECEIVING INFORMATION PURSUANT TO  
7 THIS SUBSECTION SHALL CERTIFY TO THE SECRETARY OF STATE THAT THE OFFICIAL OR  
8 AGENCY HAS A SYSTEM IN PLACE TO PROTECT THE CONFIDENTIALITY OF A PROGRAM  
9 PARTICIPANT'S ACTUAL ADDRESS FROM THE PUBLIC AND FROM PERSONNEL WHO ARE NOT  
10 INVOLVED IN THE TRIAL, HEARING, PROCEEDING OR INVESTIGATION.

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

14 41-158. Nondisclosure of address in court proceedings

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

21 41-159. Address confidentiality program fund

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

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

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

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

32 Sec. 3. Funding intent

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

39 Sec. 4. Effective date

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