

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 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)

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

19 12-601. Application; venue; judgment; sealing of record

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

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

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

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

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

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

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

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

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

8 E. On entering a conviction for an offense under title 13, chapter 18,
9 20, 21, 22, 23 or 27 or any other offense involving false statements or
10 misrepresentations about the person's identity, the superior court may enter
11 an order setting aside a change of name judgment or deny any pending
12 application.

13 F. ON REQUEST OF A PERSON WHO FILES AN APPLICATION FOR A CHANGE OF
14 NAME, THE COURT MAY SEAL THE CHANGE OF NAME APPLICATION AND JUDGMENT. THE
15 INFORMATION IN THE APPLICATION AND JUDGMENT SHALL NOT BE DISCLOSED AND IS NOT
16 A PUBLIC RECORD. A PERSON WHO OBTAINED A JUDGMENT ON OR AFTER JANUARY 1,
17 2009 MAY REQUEST THAT THE COURT SEAL THE APPLICATION AND JUDGMENT PURSUANT TO
18 THIS SUBSECTION. FOR THE PURPOSES OF THIS SUBSECTION, "PERSON" MEANS A
19 PERSON WHO IS PROTECTED UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST
20 HARASSMENT OR A PERSON WHO IS THE VICTIM OF AN OFFENSE INVOLVING STALKING AS
21 PRESCRIBED IN SECTION 13-2923 OR AN OFFENSE COMMITTED IN ANOTHER JURISDICTION
22 THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OR ATTEMPTED VIOLATION
23 OF SECTION 13-2923.

24 Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:
25 16-153. Voter registration; confidentiality; definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

30 K. For the purposes of this section:

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

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

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

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

- 1 D. This section does not prohibit the use of a peace officer's
2 photograph that is either:
- 3 1. Used by a law enforcement agency to assist a person who has a
4 complaint against an officer to identify the officer.
- 5 2. Obtained from a source other than the law enforcement agency.
- 6 E. This section does not apply to a certified peace officer or code
7 enforcement officer who is no longer employed as a peace officer or code
8 enforcement officer by a state or local government entity.
- 9 F. For the purposes of this section:
- 10 1. "Code enforcement officer" means a person who is employed by a
11 state or local government and whose duties include performing field
12 inspections of buildings, structures or property to ensure compliance with
13 and enforce national, state and local laws, ordinances and codes.
- 14 2. "Commissioner" means a commissioner of the superior court.
- 15 3. "Corrections support staff member" means an adult or juvenile
16 corrections employee who has direct contact with inmates.
- 17 4. "Eligible person" means a peace officer, **BORDER PATROL AGENT,**
18 justice, judge, commissioner, public defender, prosecutor, code enforcement
19 officer, adult or juvenile corrections officer, corrections support staff
20 member, probation officer, member of the board of executive clemency, law
21 enforcement support staff member, national guard member who is acting in
22 support of a law enforcement agency, person who is protected under an order
23 of protection or injunction against harassment, firefighter who is assigned
24 to the Arizona counterterrorism center in the department of public safety or
25 victim of domestic violence or stalking who is protected under an order of
26 protection or injunction against harassment.
- 27 5. "Judge" means a judge of the United States district court, the
28 United States court of appeals, the United States magistrate court, the
29 United States bankruptcy court, the Arizona court of appeals, the superior
30 court or a municipal court.
- 31 6. "Justice" means a justice of the United States or Arizona supreme
32 court or a justice of the peace.
- 33 7. "Law enforcement support staff member" means a person who serves in
34 the role of an investigator or prosecutorial assistant in an agency that
35 investigates or prosecutes crimes, who is integral to the investigation or
36 prosecution of crimes and whose name or identity will be revealed in the
37 course of public proceedings.
- 38 8. "Peace officer" has the same meaning prescribed in section 13-105.
- 39 9. "Prosecutor" means a county attorney, a municipal prosecutor, the
40 attorney general or a United States attorney and includes an assistant or
41 deputy United States attorney, county attorney, municipal prosecutor or
42 attorney general.
- 43 10. "Public defender" means a federal public defender, county public
44 defender, county legal defender or county contract indigent defense counsel

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

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

4 39-124. Releasing information identifying an eligible person;
5 violations; classification; definitions

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

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

19 C. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

14 ARTICLE 3. ADDRESS CONFIDENTIALITY PROGRAM

15 41-151. Definitions

16 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

29 5. "DOMESTIC VIOLENCE" HAS THE SAME MEANING PRESCRIBED IN SECTION
30 13-3601.

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

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

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

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

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

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

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

7 41-152. Address confidentiality; duties of secretary of state;
8 application assistant; program termination

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

15 B. THE SECRETARY OF STATE SHALL:

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

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

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

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

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

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

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

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

44 F. THE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE ENDS ON JULY 1,
45 2021 PURSUANT TO SECTION 41-3102.

- 1 4. A STATEMENT BY THE APPLICANT THAT DISCLOSURE OF THE APPLICANT'S
2 ACTUAL ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY.
- 3 5. A STATEMENT BY THE APPLICANT THAT THE APPLICANT HAS CONFIDENTIALLY
4 RELOCATED IN THE PAST NINETY DAYS OR WILL CONFIDENTIALLY RELOCATE IN THIS
5 STATE.
- 6 6. A DESIGNATION OF THE SECRETARY OF STATE AS AN AGENT FOR THE
7 APPLICANT FOR PURPOSES OF RECEIVING CERTAIN MAIL.
- 8 7. THE MAILING ADDRESS AND TELEPHONE NUMBER WHERE THE APPLICANT CAN BE
9 CONTACTED BY THE SECRETARY OF STATE.
- 10 8. THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT TO BE DISCLOSED
11 BY THE SECRETARY OF STATE AND THAT DIRECTLY RELATES TO THE INCREASED RISK OF
12 DOMESTIC VIOLENCE, A SEXUAL OFFENSE OR STALKING.
- 13 9. A STATEMENT AS TO WHETHER THERE IS ANY EXISTING COURT ORDER OR
14 COURT ACTION INVOLVING THE APPLICANT OR AN INDIVIDUAL IDENTIFIED PURSUANT TO
15 PARAGRAPH 10 OF THIS SUBSECTION RELATED TO DISSOLUTION OF MARRIAGE
16 PROCEEDINGS, CHILD SUPPORT OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR
17 PARENTING TIME. THE STATEMENT SHALL INCLUDE THE NAME OF THE COURT THAT
18 ISSUED THE ORDER OR THAT HAS JURISDICTION OVER THE ACTION, THE CASE NUMBER
19 AND THE JUDGE ASSIGNED TO THE CASE.
- 20 10. THE NAME OF ANY PERSON WHO RESIDES WITH THE APPLICANT AND WHO ALSO
21 NEEDS TO BE A PROGRAM PARTICIPANT IN ORDER TO ENSURE THE SAFETY OF THE
22 APPLICANT AND, IF THE PERSON NAMED IN THE APPLICATION IS EIGHTEEN YEARS OF
23 AGE OR OLDER, THE CONSENT OF THE PERSON TO BE A PROGRAM PARTICIPANT.
- 24 11. A STATEMENT BY THE APPLICANT, UNDER PENALTY OF PERJURY, THAT TO THE
25 BEST OF THE APPLICANT'S KNOWLEDGE, THE INFORMATION CONTAINED IN THE
26 APPLICATION IS TRUE.
- 27 D. ON DETERMINING THAT AN APPLICATION IS PROPERLY COMPLETED, THE
28 SECRETARY OF STATE SHALL CERTIFY THE APPLICANT AND ANY INDIVIDUAL WHO IS
29 IDENTIFIED PURSUANT TO SUBSECTION C, PARAGRAPH 10 AS PROGRAM PARTICIPANTS.
30 ON CERTIFICATION, THE SECRETARY OF STATE SHALL ISSUE TO THE PROGRAM
31 PARTICIPANT AN ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD, WHICH
32 SHALL INCLUDE THE PROGRAM PARTICIPANT'S SUBSTITUTE ADDRESS. THE CARD REMAINS
33 VALID WHILE THE PROGRAM PARTICIPANT REMAINS CERTIFIED UNDER THE PROGRAM.
- 34 E. APPLICANTS AND INDIVIDUALS IDENTIFIED PURSUANT TO SUBSECTION C,
35 PARAGRAPH 10 ARE CERTIFIED FOR FOUR YEARS FOLLOWING THE DATE OF FILING UNLESS
36 THE CERTIFICATION IS WITHDRAWN OR CANCELED BEFORE THE END OF THE FOUR-YEAR
37 PERIOD. A PROGRAM PARTICIPANT MAY WITHDRAW THE CERTIFICATION BY FILING A
38 REQUEST FOR WITHDRAWAL ACKNOWLEDGED BEFORE A NOTARY PUBLIC. A CERTIFICATION
39 MAY BE RENEWED BY FILING A RENEWAL APPLICATION WITH THE SECRETARY OF STATE AT
40 LEAST THIRTY DAYS BEFORE THE EXPIRATION OF THE CURRENT CERTIFICATION. THE
41 RENEWAL APPLICATION SHALL BE DATED, SIGNED AND VERIFIED BY THE APPLICANT AND
42 SIGNED AND DATED BY THE APPLICATION ASSISTANT WHO ASSISTED IN THE PREPARATION
43 OF THE RENEWAL APPLICATION. THE RENEWAL APPLICATION SHALL CONTAIN:

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

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

7 41-154. Change of name, address or telephone number;
8 cancellation of certification

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

14 B. A PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE OF A
15 CHANGE IN ADDRESS OR TELEPHONE NUMBER FROM THE ADDRESS OR TELEPHONE NUMBER
16 LISTED FOR THE PROGRAM PARTICIPANT ON THE APPLICATION PURSUANT TO SECTION
17 41-153, SUBSECTION C NO LATER THAN SEVEN DAYS AFTER THE CHANGE OCCURS.

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

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

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

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

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

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

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

40 41-155. Disclosure of actual address prohibited; violation;
41 classification

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

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

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

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

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

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

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

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

39 41-156. Address use by state or local government entities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 41-157. Request for disclosure

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

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

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

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

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

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

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

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

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

43 E. THE SECRETARY OF STATE SHALL PROMPTLY CONDUCT A REVIEW OF ALL
44 REQUESTS RECEIVED PURSUANT TO THIS SECTION. THE DIRECTOR OF THE ADDRESS
45 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.

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

4 41-158. Nondisclosure of address in court proceedings

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

11 41-159. Address confidentiality program fund

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

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

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

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

22 Sec. 7. Funding intent

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

29 Sec. 8. Effective date

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