

ASSEMBLY, No. 1347

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman STUHLTRAGER

1 AN ACT concerning the protection of persons threatened by domestic
2 violence and supplementing Title 47 of the Revised Statutes, and
3 enacting an additional chapter.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. An additional chapter 4 is added to Title 47 as follows:

9
10 Title 47
11 Chapter 4
12 Address Confidentiality Program
13

14 47:4-1. This act shall be known and shall be cited as the "Address
15 Confidentiality Program Act."

16 47:4-2. The Legislature finds that persons attempting to escape
17 from actual or threatened domestic violence frequently establish new
18 addresses to prevent their assailants from finding them. The purpose
19 of this act is to enable public agencies to respond to requests for
20 public records without disclosing the location of a victim of domestic
21 violence, to enable interagency cooperation with the Secretary of State
22 in providing address confidentiality for victims of domestic violence,
23 and to enable public agencies to accept a program participant's use of
24 an address designated by the Secretary of State as a substitute mailing
25 address.

26 47:4-3. As used in this act:

27 "Address" means a residential street address, school address, or
28 work address of an individual, as specified on the individual's
29 application to be a program participant under this act.

30 "Program participant" means a person certified by the Secretary of
31 State as eligible to participate in the Address Confidentiality Program
32 established by this act.

33 "Department" means the Department of State.

34 "Domestic violence" means an act defined in section 3 of P.L.1991,
35 c.261 (C.2C:25-19), where the act has been reported to a law

1 enforcement agency or court.

2 "Secretary" means the Secretary of State.

3 47:4-4. a. There is created in the Department a program to be
4 known as the "Address Confidentiality Program." A person over the
5 age of 18, a parent or guardian acting on behalf of a minor, or a
6 guardian acting on behalf of an incapacitated person may apply to the
7 secretary to have an address designated by the secretary as the
8 applicant's address. The secretary shall approve an application if it is
9 filed in the manner and on the form prescribed by the secretary and if
10 it contains:

11 (1) a sworn statement by the applicant that the applicant has good
12 reason to believe:

13 (a) that the person seeking a confidential address is a victim of
14 domestic violence as defined in this act; and

15 (b) that the applicant fears further violent acts from the applicant's
16 assailant;

17 (2) a designation of the secretary as agent for the purpose of
18 receiving process and for the purpose of receipt of mail;

19 (3) the mailing address where the applicant can be contacted by the
20 secretary, and a telephone number where the applicant can be called;

21 (4) the new address or addresses that the applicant requests not to
22 be disclosed because of the increased risk of domestic violence; and

23 (5) the signature of the applicant and any person who assisted in
24 the preparation of the application, and the date.

25 b. An application shall be filed with the office of the secretary.

26 c. Upon approving a completed application, the secretary shall
27 certify the applicant as a program participant. An applicant shall be
28 certified for three years following the date of filing unless the
29 certification is withdrawn or invalidated before that date.

30 d. An applicant may apply to be recertified every three years
31 thereafter.

32 e. The secretary, in accordance with the provisions of the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.), shall promulgate rules and regulations to effectuate the purposes
35 of this act.

36 47:4-5. a. A person who falsely attests in an application that
37 disclosure of the applicant's address would expose the applicant to
38 danger or further acts of domestic violence shall be subject to penalties
39 for perjury. The existence of a restraining order issued pursuant to
40 section 13 of the "Prevention of Domestic Violence Act," P.L.1991,
41 c.261 (C.2C:25-29) or pursuant to P.L.1981, c.426 (C.2C:25-1 et
42 seq.), or issued in any other jurisdiction for the purpose of protecting
43 the applicant from domestic violence, shall create a rebuttable
44 presumption that the application is made in good faith.

45 b. A person who knowingly provides a false or incorrect name,
46 address or telephone number in an application shall be subject to

1 penalties for perjury and shall immediately lose certification as a
2 program participant.

3 c. The secretary may cancel a program participant's certification if:

4 (1) the program participant obtains a name change through an order
5 of the court;

6 (2) the program participant changes the residential address and does
7 not provide seven days' advance notice pursuant to the rules
8 promulgated by the secretary ;

9 (3) mail forwarded by the secretary is returned as undeliverable; or

10 (4) any information on the application is false.

11 The application form shall notify each applicant of the provisions of
12 this subsection.

13 47:4-6. a. A program participant may request that State and local
14 agencies use the address designated by the secretary as the program
15 participant's address. The agency shall accept the address designated
16 by the secretary as a program participant's address, unless the agency
17 has demonstrated to the satisfaction of the secretary that:

18 (1) the agency has a bona fide statutory basis for requiring the
19 program participant to disclose to it the actual location of the program
20 participant; and

21 (2) the disclosed confidential address of the program participant
22 will be used only for that statutory purpose and will not be disclosed
23 or made available in any way to any other person or agency.

24 b. A program participant may use the address designated by the
25 secretary as his or her work address.

26 c. Upon receipt of first class mail addressed to a program
27 participant, the secretary or a designee shall forward the mail to the
28 actual address of the participant. The secretary may arrange to receive
29 and forward other kinds and classes of mail for any program
30 participant at the participant's expense. The actual address of a
31 program participant shall be available only to the secretary and to
32 those employees involved in the operation of the address
33 confidentiality program.

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35 2. This act shall take effect immediately.

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STATEMENT

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40 A common experience of battered women is that for years after they
41 end an abusive relationship they must avoid their abusers or be in
42 danger. Many of them assume new names, move far away, and take
43 other steps to keep their location a secret from the former husband or
44 lover. Abusers are so persistent that in some cases it has been
45 dangerous for women to make their address public for even the most
46 important reasons. When the danger threatened their right to vote

1 (because registration requires a complete and verified address, and the
2 registration lists are public), New Jersey courts found that the state
3 had to accommodate the victims.

4 This bill establishes the "Address Confidentiality Program" in the
5 Department of State. The purpose of the program is to assist persons
6 who are victims of domestic violence in establishing and maintaining
7 a confidential address to prevent their assailant from finding them.
8 The bill would further enable public agencies to respond to requests
9 for public records without disclosing the location of a victim of
10 domestic violence.

11 Under the bill, upon the filing of an application and acceptance into
12 the program, the Secretary of the Department of State shall certify that
13 the applicant is a program participant, for a period up to three years.
14 A participant may reapply for recertification at that time. Participation
15 in the program permits the applicant to request the use of the
16 designated address as the participant's address by state and local
17 agencies, except where disclosure is mandated by law. Under the
18 program, first class mail addressed to a program participant shall be
19 forwarded to the actual address of the participant by the secretary or
20 a designee.

21 This bill is similar to a procedure available in Washington to protect
22 victims of domestic violence.

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27 Establishes the "Address Confidentiality Program" for victims of
28 domestic violence.