

ASSEMBLY, No. 1347

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman STUHLTRAGER and Assemblywoman CRECCO

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
36 enforcement agency or court.

37 "Secretary" means the Secretary of State.

1 47:4-4. a. There is created in the Department a program to be
2 known as the "Address Confidentiality Program." A person over the
3 age of 18, a parent or guardian acting on behalf of a minor, or a
4 guardian acting on behalf of an incapacitated person may apply to the
5 secretary to have an address designated by the secretary as the
6 applicant's address. The secretary shall approve an application if it is
7 filed in the manner and on the form prescribed by the secretary and if
8 it contains:

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

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

13 (b) that the applicant fears further violent acts from the applicant's
14 assailant;

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

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

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

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

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

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27 certification is withdrawn or invalidated before that date.

28 d. An applicant may apply to be recertified every three years
29 thereafter.

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

34 47:4-5. a. A person who falsely attests in an application that
35 disclosure of the applicant's address would expose the applicant to
36 danger or further acts of domestic violence shall be subject to penalties
37 for perjury. The existence of a restraining order issued pursuant to
38 section 13 of the "Prevention of Domestic Violence Act," P.L.1991,
39 c.261 (C.2C:25-29) or pursuant to P.L.1981, c.426 (C.2C:25-1 et
40 seq.), or issued in any other jurisdiction for the purpose of protecting
41 the applicant from domestic violence, shall create a rebuttable
42 presumption that the application is made in good faith.

43 b. A person who knowingly provides a false or incorrect name,
44 address or telephone number in an application shall be subject to
45 penalties for perjury and shall immediately lose certification as a
46 program participant.

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

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

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

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

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

9 The application form shall notify each applicant of the provisions of
10 this subsection.

11 47:4-6. a. A program participant may request that State and local
12 agencies use the address designated by the secretary as the program
13 participant's address. The agency shall accept the address designated
14 by the secretary as a program participant's address, unless the agency
15 has demonstrated to the satisfaction of the secretary that:

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

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

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

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

32

33 2. This act shall take effect immediately.

34

35

36

37

38 Establishes the "Address Confidentiality Program" for victims of
39 domestic violence.