

P.L. 1997, CHAPTER 369, *approved January 19, 1998*
Senate Committee Substitute for
Senate, Nos. 391 and 768

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

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

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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 may be cited as the "Address
15 Confidentiality Program Act."

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

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28 47:4-3. As used in this act:

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

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

35 "Department" means the Department of State.

1 "Domestic violence" means an act defined in section 3 of P.L.1991,
2 c.261 (C.2C:25-19), if the act has been reported to a law enforcement
3 agency or court.

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

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

16 (a) that the applicant is a victim of domestic violence as defined
17 in this act; and

18 (b) that the applicant fears further violent acts from the applicant's
19 assailant;

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

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

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

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

29 b. An application shall be filed with the secretary.

30 c. Upon approving a completed application, the secretary shall
31 certify the applicant as a program participant. An applicant shall be
32 certified for four years following the date of filing unless the
33 certification is withdrawn or invalidated before that date.

34 d. A program participant may apply to be recertified every four
35 years thereafter.

36 e. A program participant may use the address designated by the
37 secretary as his or her work address.

38 f. Upon receipt of first class mail addressed to a program
39 participant, the secretary or a designee shall forward the mail to the
40 actual address of the participant. The secretary may arrange to receive
41 and forward other kinds and classes of mail for any program
42 participant at the participant's expense. The actual address of a
43 program participant shall be available only to the secretary and to
44 those employees involved in the operation of the address
45 confidentiality program and to law enforcement officers for law
46 enforcement purposes.

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

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6 47:4-5. The secretary may cancel a program participant's
7 certification if:

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

10 (2) the program participant changes the participant's residential
11 address and does not provide seven days' advance notice to the
12 secretary;

13 (3) mail forwarded by the secretary to the address or addresses
14 provided by the program participant is returned as undeliverable; or

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

16 The application form shall notify each applicant of the provisions
17 of this subsection.

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19 47:4-6. A program participant may request that any State or local
20 agency use the address designated by the secretary as the program
21 participant's address. The agency shall accept the address designated
22 by the secretary as a program participant's address, unless the agency
23 has demonstrated to the satisfaction of the secretary that:

24 (1) the agency has a bona fide statutory basis for requiring the
25 program participant to disclose to it the actual location of the program
26 participant; and

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

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31 2. This act shall take effect immediately.

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36 Establishes "Address Confidentiality Program" for domestic violence
37 victims.