

SENATE, No. 391

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator LIPMAN

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.
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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:
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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 the representative who
22 assisted in 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 four 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 four 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. The secretary may cancel a program participant's
35 certification if:

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

38 (2) the program participant changes the participant's residential
39 address and does not provide seven days' advance notice;

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

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

42 The application form shall notify each applicant of the provisions of
43 this subsection.

44 47:4-6. a. A program participant may request that State and local
45 agencies use the address designated by the secretary as the program
46 participant's address. The agency shall accept the address designated

1 by the secretary as a program participant's address, unless the agency
2 has demonstrated to the satisfaction of the secretary that:

3 (1) the agency has a bona fide statutory basis for requiring the
4 program participant to disclose to it the actual location of the program
5 participant; and

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

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

11 c. Upon receipt of first class mail addressed to a program
12 participant, the secretary or a designee shall forward the mail to the
13 actual address of the participant. The secretary may arrange to receive
14 and forward other kinds and classes of mail for any program
15 participant at the participant's expense. The actual address of a
16 program participant shall be available only to the secretary and to
17 those employees involved in the operation of the address
18 confidentiality program.

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20 2. This act shall take effect immediately.

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STATEMENT

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25 This bill establishes the "Address Confidentiality Program" in the
26 Department of State. The purpose of the program is to assist persons
27 who are victims of domestic violence in establishing and maintaining
28 a confidential address to prevent their assailant from finding them.
29 The bill would further enable public agencies to respond to requests
30 for public records without disclosing the location of a victim of
31 domestic violence.

32 Under the bill, upon the filing of an application and acceptance into
33 the program, the Secretary of the Department of State shall certify that
34 the applicant is a program participant, for a period up to four years.
35 A participant may reapply for recertification at that time. Participation
36 in the program permits the applicant to request the use of the
37 designated address as the participant's address by state and local
38 agencies, except where disclosure is mandated by law. Under the
39 program, first class mail addressed to a program participant shall be
40 forwarded to the actual address of the participant by the secretary or
41 a designee.

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45 Establishes the "Address Confidentiality Program" for victims of
46 domestic violence.