

[Passed Both Houses]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 391 and 768

STATE OF NEW JERSEY

ADOPTED OCTOBER 28, 1996

Sponsored by Senators LIPMAN, BUBBA, BENNETT,
Kosco, Cafiero, Assemblyman Stuhltrager,
Assemblywomen Crecco, Gill and Assemblyman LeFevre

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:

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"Address" means a residential street address, school address, or
30 work address of a person, as specified on the person's application to

1 be a program participant under this act.

2 "Program participant" means a person certified by the Secretary of
3 State as eligible to participate in the Address Confidentiality Program
4 established by this act.

5 "Department" means the Department of State.

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

9 "Secretary" means the Secretary of State.

10

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

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

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

23 (b) that the applicant fears further violent acts from the applicant's
24 assailant;

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

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

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

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

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

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

39 d. A program participant may apply to be recertified every four
40 years thereafter.

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

43 f. Upon receipt of first class mail addressed to a program
44 participant, the secretary or a designee shall forward the mail to the
45 actual address of the participant. The secretary may arrange to receive
46 and forward other kinds and classes of mail for any program

1 participant at the participant's expense. The actual address of a
2 program participant shall be available only to the secretary and to
3 those employees involved in the operation of the address
4 confidentiality program and to law enforcement officers for law
5 enforcement purposes.

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

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11 47:4-5. The secretary may cancel a program participant's
12 certification if:

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

15 (2) the program participant changes the participant's residential
16 address and does not provide seven days' advance notice to the
17 secretary;

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

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

21 The application form shall notify each applicant of the provisions
22 of this subsection.

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24 47:4-6. A program participant may request that any State or local
25 agency use the address designated by the secretary as the program
26 participant's address. The agency shall accept the address designated
27 by the secretary as a program participant's address, unless the agency
28 has demonstrated to the satisfaction of the secretary that:

29 (1) the agency has a bona fide statutory basis for requiring the
30 program participant to disclose to it the actual location of the program
31 participant; and

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

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36 2. This act shall take effect immediately.

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41 Establishes "Address Confidentiality Program" for domestic violence
42 victims.