

SENATE, No. 768

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senators BUBBA, BENNETT and Martin

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  
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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  
3 order of the court;

4 (2) the program participant changes the residential address and  
5 does 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.

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33 2. This act shall take effect immediately.

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## STATEMENT

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

1 had to accommodate the victims.

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

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

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

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25 Establishes the "Address Confidentiality Program" for victims of  
26 domestic violence.