



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5165/1
EAW:klm

2017 ASSEMBLY BILL 865

January 19, 2018 - Introduced by Representatives KLEEFISCH, C. TAYLOR, ANDERSON, BALLWEG, BERCEAU, BORN, BROSTOFF, CONSIDINE, HEBL, HORLACHER, JAGLER, KOLSTE, MURSAU, NEYLON, NOVAK, ROHRKASTE, RODRIGUEZ, SARGENT, SCHRAA, SHANKLAND, SINICKI, SPREITZER, SUBECK, TAUCHEN, THIESFELDT, TITTL, VRUWINK and ZAMARRIPA, cosponsored by Senators FITZGERALD, SHILLING, ROTH, BEWLEY, CARPENTER, DARLING, HANSEN, LARSON, MARKLEIN, MOULTON, OLSEN, RINGHAND, RISSER, VUKMIR, WANGGAARD and WIRCH. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 6.47 (4) (b), 165.68 (1) (b), 165.68 (3) (b) 4. a., 165.68 (3) (b) 4.
2 b., 165.68 (3) (b) 4. e. and 183.0105 (1) (intro.); and **to create** 165.68 (5) (e),
3 165.68 (5) (f) and 165.68 (7) of the statutes; **relating to:** address confidentiality,
4 granting rule-making authority, and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill makes certain changes to the address confidentiality program administered by the Department of Justice.

Under current law, DOJ's address confidentiality program is available to a person who is a victim of abuse or a parent or guardian of a victim of abuse, or who resides in a household in which a victim of abuse also resides, and who fears for his or her physical safety or the physical safety of his or her child or ward. A current program participant provides his or her actual residential, school, or work address to DOJ and DOJ assigns an alternative address to the program participant to use. Under the program, DOJ forwards all mail received at the assigned address to the program participant's actual address. In addition, the program participant may use the assigned address for any official purpose, unless the use of the actual address is required by statute, such as for voter registration. Any person or entity that has knowledge of the actual address through the program is required to keep it confidential. Under current law, a program participant's actual address is exempt from the open records law.

This bill expands the confidentiality provisions of the program to include any part of a program participant's actual address. In addition, the bill makes

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intentional disclosure of confidential information under the program a misdemeanor.

Under the bill, DOJ is authorized to act as the registered agent and office for a single-member LLC if the member is enrolled in the address confidentiality program.

This bill also provides that DOJ may promulgate rules governing a program participant's consent to disclosure of his or her actual address by DOJ or another entity if such a disclosure is required for a public assistance program or a real property transaction.

This bill clarifies that DOJ may disenroll a program participant at any time that DOJ determines that the program participant no longer meets the eligibility criteria.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 6.47 (4) (b) of the statutes, as created by 2015 Wisconsin Act 356,
2 is amended to read:

3 6.47 (4) (b) A confidential listing under sub. (2) that is issued to a program
4 participant expires on the date the individual's participation in the program expires
5 pursuant to s. 165.68 (3) (b) 4. a. or on the date the individual cancels his or her
6 participation in the program pursuant to s. 165.68 (3) (b) 4. ~~e.~~ f. or is disenrolled from
7 the program pursuant to s. 165.68 (3) (b) 4. ~~b.~~ e.

8 **SECTION 2.** 165.68 (1) (b) of the statutes, as created by 2015 Wisconsin Act 356,
9 is amended to read:

10 165.68 (1) (b) "Actual address" means the residential street address, school
11 address, or work address, or any portion thereof, of a program participant.

12 **SECTION 3.** 165.68 (3) (b) 4. a. of the statutes, as created by 2015 Wisconsin Act
13 356, is amended to read:

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1 165.68 (3) (b) 4. a. A program participant remains enrolled in the program for
2 5 years, unless he or she cancels his or her participation under subd. 4. f. or is
3 disenrolled under subd. 4. ~~b.~~ e.

4 **SECTION 4.** 165.68 (3) (b) 4. b. of the statutes, as created by 2015 Wisconsin Act
5 356, is amended to read:

6 165.68 (3) (b) 4. b. A program participant is required to notify the department
7 when he or she changes his or her actual address or legal name, ~~and failure to update~~
8 ~~the information may result in the department disenrolling the applicant as a~~
9 ~~program participant.~~

10 **SECTION 5.** 165.68 (3) (b) 4. e. of the statutes, as created by 2015 Wisconsin Act
11 356, is amended to read:

12 165.68 (3) (b) 4. e. The department may disenroll a program participant if the
13 person fails to update his or her information under subd. 4. b., or at any time after
14 the department determines that the person no longer meets the eligibility
15 requirements established under sub. (2). The department will notify a program
16 participant if his or her participation will expire or if the department will disenroll
17 the participant ~~under subd. 4. b.~~ A program participant who receives a notification
18 under this subd. 4. e. may update his or her information to establish eligibility or may
19 reenroll in the program within 6 months from the date the department issues the
20 notification.

21 **SECTION 6.** 165.68 (5) (e) of the statutes is created to read:

22 165.68 (5) (e) The department may promulgate rules under sub. (6) to allow a
23 program participant to consent to a disclosure of his or her actual address by the
24 department or other entity with knowledge of the program participant's actual
25 address when necessary to qualify for certain public assistance benefits or real

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1 property transactions. A person who discloses information under this paragraph
2 shall include a notice that the information is confidential, and disclosure of the
3 information to any 3rd party will be subject to the penalty under sub. (7).

4 **SECTION 7.** 165.68 (5) (f) of the statutes is created to read:

5 165.68 (5) (f) 1. If a program participant is the sole member of a limited liability
6 company, the limited liability company may list the department as its registered
7 agent and registered office under s. 183.0105 (1).

8 2. If the department receives service of process, notice, or demand required or
9 permitted by law to be served on a limited liability company under subd. 1., the
10 department shall forward the process, notice, or demand to the program participant's
11 actual address.

12 **SECTION 8.** 165.68 (7) of the statutes is created to read:

13 165.68 (7) CRIMINAL PENALTY. A person who intentionally releases information
14 in violation of this section is guilty of a misdemeanor.

15 **SECTION 9.** 183.0105 (1) (intro.) of the statutes is amended to read:

16 183.0105 (1) (intro.) Each limited liability company shall continuously
17 maintain in this state a registered office and registered agent. The registered office
18 may, but need not, be the same as any of its places of business. The Except as
19 provided in s. 165.68 (5) (f) 1., the registered agent shall be one of the following:

20 (END)