



2009 ASSEMBLY BILL 541

November 3, 2009 – Introduced by Representatives VRUWINK, SINICKI, BROOKS, PARISI, CULLEN, POPE-ROBERTS, TURNER, SHILLING, PASCH, BERNARD SCHABER, ZEPNICK and SMITH, cosponsored by Senators CARPENTER, HOLPERIN, HANSEN and COGGS. Referred to Committee on State Affairs and Homeland Security.

1 **AN ACT** *to create* 995.60 of the statutes; **relating to:** substitute address for a
2 victim of domestic abuse.

Analysis by the Legislative Reference Bureau

This bill authorizes a victim of domestic abuse (victim), or a victim's representative, to file an application with the secretary of state (secretary), on a form provided by the secretary, to use the secretary as a substitute address. The application must include an address to which the secretary must forward mail that the secretary receives on behalf of the victim, a telephone number that the secretary may use to contact the victim, and the signature of the victim or victim's representative. The secretary may charge an applicant a one-time fee of not more than \$75, which the secretary may waive if the victim is indigent, and must keep a confidential record of all applications received from victims of domestic abuse. The secretary may disclose the name and address of a victim, however, with the permission of the victim or his or her representative, or if the requester is a law enforcement officer who requests the information in writing for the performance of an investigation or for serving a warrant. Use of the secretary as a substitute address is effective for no more than two years, but may be extended any number of times for up to two more years by filing another application and paying the fee, if applicable.

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:

ASSEMBLY BILL 541**SECTION 1**

1 **SECTION 1.** 995.60 of the statutes is created to read:

2 **995.60 Substitute address for victims of domestic abuse. (1)** In this
3 section, “victim of domestic abuse” has the meaning given in s. 46.28 (1) (f).

4 **(2) (a)** A victim of domestic abuse, or a person representing a victim of domestic
5 abuse, may file an application with the secretary of state, on a form provided by the
6 secretary of state, to use the secretary of state as a substitute address. The
7 application form shall include all of the following:

8 1. A statement that the secretary of state is acting as an agent of the victim of
9 domestic abuse for purposes of forwarding mail to the victim of domestic abuse.

10 2. A mailing address for forwarding to the victim of domestic abuse mail that
11 is received by the secretary of state.

12 3. A telephone number that may be used by the secretary of state for contacting
13 the victim of domestic abuse.

14 4. The signature of the victim of domestic abuse or of the victim’s
15 representative.

16 **(b)** The secretary of state may charge an applicant a one-time fee, which may
17 not exceed \$75, and may waive the fee if any of the following applies:

18 1. The applicant is a recipient of means-tested public assistance, including
19 relief provided by counties under s. 59.53 (21), medical assistance under subch. IV
20 of ch. 49, supplemental security income, food stamps, or benefits received by veterans
21 under s. 45.40 (1) or under 38 USC 501 to 562.

22 2. The applicant is otherwise unable, because of poverty, to pay the fee. In
23 determining the applicant’s ability under this subdivision to pay the fee, the
24 secretary shall consider the applicant’s household size, income, expenses, assets,
25 debts, and the federal poverty guidelines under 42 USC 9902 (2).

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1 **(3)** The secretary of state shall do all of the following:

2 (a) Prepare application forms for use under this section.

3 (b) Maintain a confidential record of applications received for substitute
4 addresses of victims of domestic abuse.

5 (c) Forward any mail received on behalf of a victim of domestic abuse who has
6 filed an application with the secretary of state to the address provided on the victim's
7 application.

8 **(4)** Notwithstanding sub. (3) (b), the secretary of state may disclose the name
9 and address of a victim of domestic abuse who has filed an application under this
10 section in the following situations:

11 (a) The victim of domestic abuse or his or her representative gives permission
12 for the disclosure.

13 (b) The requester of the information is a law enforcement officer, as defined in
14 s. 51.01 (11), who requests, in writing, the name and address for the performance of
15 an investigation or the service of a warrant.

16 **(5)** The use of the secretary of state as a substitute address under this section
17 shall be in effect for no more than 2 years, but may be extended any number of times
18 for up to 2 more years by filing another application and paying the fee as provided
19 under sub. (2) (b).

20 **SECTION 2. Effective date.**

21 (1) This act takes effect on the first day of the 13th month beginning after
22 publication.

23

(END)