

2015 DRAFTING REQUEST

Bill

Received: **3/30/2015** Received By: **phurley**
For: **Jennifer Shilling (608) 266-5490** Same as LRB: **-3985**
May Contact: By/Representing:
Subject: **Justice - civil** Drafter: **phurley**
Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Shilling@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Keeping addresses confidential for victims of abuse

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 8/13/2015	eweiss 8/19/2015	_____	lparisi 4/22/2015		
/P2	phurley 9/30/2015		_____	lparisi 8/19/2015		
/1	phurley 11/17/2015	eweiss 10/1/2015	_____	lparisi 10/1/2015		State S&L
/2	phurley	eweiss	_____	mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/3/2015	11/24/2015	_____	11/24/2015		S&L
/3		wjackson 12/4/2015	_____	lparisi 12/4/2015	mbarman 12/11/2015	State S&L

FE Sent For:

*at intro
12/29/15*

<END>



SAFE AT HOME: THE NEED FOR A WISCONSIN ADDRESS CONFIDENTIALITY PROGRAM

Legal Action of Wisconsin is a nonprofit law firm which provides free legal advice and representation to low-income residents in Wisconsin's 39 southern counties. Among the services we provide is assistance to survivors of domestic violence who are fleeing abusive relationships. Our clients need legal representation in order to obtain divorces, establish custody orders, and safely enforce child support. An Address Confidentiality Program would greatly benefit Legal Action's clients who need to safely interact with the legal system in order to rebuild their lives.

What is an Address Confidentiality Program?

Address Confidentiality Programs (ACPs) allow survivors of domestic violence, stalking, and human trafficking to stay safe by keeping their new residential address confidential. The program gives survivors a substitute address to use for mailing, public records, and service of process. ACPs have been implemented in 34 states over the past 20 years.

Jane was a Legal Action client who fled from Wisconsin to Washington to escape an abusive husband. During divorce proceedings, her husband attempted to gain access to Jane's new address in Washington. Luckily, she was able to participate in the State of Washington's Address Confidentiality Program, so her address was protected. She was able to give the court a safe, secure, and reliable address for service of process, bills, and mail forwarding. Because Jane's home address was secure, she didn't have to worry her abusive husband would find her. The Address Confidentiality Program helped her finally feel safe in her new home.

How Does an Address Confidentiality Program Work?

The state agency or department responsible for administering the program receives and processes applications, prints address cards for survivors, provides a mailing address, sorts and forwards first-class mail, and accepts service of process for enrollees. All public and private entities must accept the substitute address. This means survivors can use the substitute address to register with public utility companies and schools, to apply for a driver's license, and for most court and governmental documentation. Once enrolled, ACP membership is valid for four years. An enrollee may re-enroll for an additional term or unenroll at any time. The administering agency provides ACP enrollees with an official identification card with the substitute address.

Why is an Address Confidentiality Program Necessary?

Survivors of domestic violence and stalking are particularly vulnerable to continued violence and harassment. The most dangerous time for domestic violence survivors is immediately after they leave their abuser. More than 70% of domestic violence murders happen after the survivors has escaped. By shielding their actual address after they move, the program helps protect survivor, allowing them to reengage in their communities and rebuild their lives. While Wisconsin law (Wis.Stat §6.47) already protects the addresses of domestic violence survivors when they register to vote, more protections are necessary. With an ACP, survivors who have left their abusers can safely:

- Register their children for school.
- Pay their utility bills.
- Keep in contact with friends and relatives.
- Assert their legal rights.

Who is Eligible?

Survivors can enroll in the program online or through the mail by completing a simple application. They must attest that: (1) they were a victim of domestic violence, stalking, or human trafficking; or live with a victim of domestic violence, stalking, or human trafficking; and (2) have moved, or are moving, due to the abuse.

Karen's Story

Karen is a college student who was stalked by a classmate. Karen transferred to another school to escape her stalker. After she transferred she used an Address Confidentiality Program to stay in contact with her friends and family. Through the program she could send and receive personal mail, manage her tuition and school expenses, and pay her bills, without jeopardizing her safety. The Address Confidentiality Program helped her begin to feel secure in her new home and finally have the college experience she wanted.

How Do Address Confidentiality Programs Work in Other States?

- 34 other states have Address Confidentiality Programs; the first program was created in Washington nearly 25 years ago.
- Typically, ACPs are housed in the office of the Secretary of State or with the State Attorney General. The Wisconsin Department of Administration or Wisconsin Department of Justice could also administer the program.
- The programs are always free for survivors.
- Many states use ACP applications to connect survivors with victim services.
- As one example of how useful and successful a neighboring state's ACP is, Minnesota estimates that 5,000 people participate in its program every year.
- ACPs are administered at little cost to the state.

For more information about creating a Wisconsin Address Confidentiality Program contact Vicky Selkove, Legislative Director at Legal Action of Wisconsin, at (608) 265-3304 ext. 2011 or VSS@legalaction.org.

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Hurley, Peggy

From: Champagne, Rick
Sent: Monday, March 30, 2015 12:38 PM
To: Hurley, Peggy; Hanaman, Cathlene
Subject: FW: Sen. Shilling - bill draft request
Attachments: ACP One Pager 2.12.pdf

Not sure who would do this one. Can you get to right person and let Kara know? Thanks.

From: Pennoyer, Kara
Sent: Monday, March 30, 2015 10:34 AM
To: Champagne, Rick
Subject: Sen. Shilling - bill draft request

Hi Rick,

I'm not sure who is the best attorney to make this request to. If you could point me in the right direction, that would be appreciated.

Sen. Shilling would like to draft a bill to create an Address Confidentiality Program in Wisconsin. A description of the program from Legal Action is attached.

Please let me know if you have any questions.

Kara Pennoyer
Office of Senator Jennifer Shilling
608.266.5490
206 South, State Capitol



Hurley, Peggy

From: Hanaman, Cathlene
Sent: Monday, March 30, 2015 1:12 PM
To: Hurley, Peggy
Subject: This statute

6.47

6.47 Confidentiality of information relating to victims of domestic abuse, sexual assault, or stalking.

Sample statutes:

- Minnesota: https://www.revisor.mn.gov/statutes/?id=5B&view=chapter&year=2014&keyword_type=all&keyword=address+confidentiality
- Oregon: <http://www.oregonlaws.org/ors/192.822>
- Washington: <http://apps.leg.wa.gov/rcw/default.aspx?cite=40.24>
- New York: http://www.dos.ny.gov/acp/law_regs.html

Purpose: The legislature finds that individuals attempting to escape from actual or threatened domestic violence, sexual assault, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic violence, sexual assault, or stalking; to enable interagency cooperation with the secretary of state in providing address confidentiality or victims of domestic violence, sexual assault, or stalking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for all purposes. (Minn. Stat. 5B.01).

Eligibility:

- Any person who attests that he/she is a victim of stalking, domestic violence, human trafficking, or is in fear for his/her safety.
- Any person who attests as parent, guardian, or on behalf of an incapacitated person that the person is a victim of stalking, domestic violence, human trafficking, or is in fear for his/her safety.
- Any person who resides in the same household as the aforementioned applicants.
- See, e.g. NY Exec. 108 (2012); Minn. Stat. 5B.03

Registration:

- Applicant must provide:
 - Name of applicant
 - Names of applying household members
 - Telephone number
 - Actual address where mail will be forwarded
 - Designate whether perpetrator is an employee of law enforcement or any other governmental agency.
- Application form includes:
 - Applicant information
 - Including designated address
 - Certification statement allowing Secretary to disclose program participation to state agencies

- Once enrolled, program applicants will remain enrolled for 5 years.
- The term of participation begins the day the application is approved.
- See e.g. Minn. Stat. 5B.03; WAC 434-840-010

Cancellation:

- Program participants are required to update the Department with changes in address, legal name, and when minors reach age of majority. Department must notify participants of pending cancellation and allow 30 days for program participants to update information.
- Failure to update the Department will result in un-enrollment
- Program participants may cancel enrollment at any time by contacting the Department and filling out a certified cancellation form.
- Prior to expiration, the department must notify program participant of upcoming expiration. Participants may reenroll within 6 months of the expiration date.
 - See, e.g. Minn. Stat. 5B.03 & 5B.04

Use of Designated Address:

- The following entities are required to accept the designated address provided by a validly enrolled ACP participant
 - All public state and local governmental entities
 - Including: public schools, law enforcement, department of motor vehicles, etc.
 - Private entities:
 - Utility companies, health care entities, private schools, etc.

Specifically use Minnesota language: Minn. Stat. 5B.05

(a) When a program participant presents the address designated by the secretary of state to any person, that address must be accepted as the address of the program participant. The person may not require the program participant to submit any address that could be used to physically locate the participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant's physical location.

(b) A program participant may use the address designated by the secretary of state as the program participant's work address.

(c) The Office of the Secretary of State shall forward all mail sent to the designated address to the proper program participants.

(d) If a program participant has notified a person in writing, on a form prescribed by the program, that the individual is a program participant and of the requirements of this section, the person must not knowingly disclose the program participant's name, home address, work address, or school address, unless the person to whom the address is disclosed also lives, works, or goes to school at the address disclosed, or the participant has provided written consent to disclosure of the participant's name, home

address, work address, or school address for the purpose for which the disclosure will be made. This paragraph does not apply to records of the judicial branch governed by rules adopted by the Supreme Court or government entities governed by section 13.045.

Other provisions

- **Data Collection:**
 - The secretary shall record the number of program participants and shall report that number yearly.
- **Authority to accept funds:**
 - The department may not charge any ACP participant money. However, the department may solicit funding from charitable donations.
- **Release to law enforcement:**
 - See WAC 434-840-060
 - Information may only be released to law enforcement with consent of program participant, or upon a showing by the law enforcement agency that the program participant is a suspect in an ongoing criminal investigation.
 - No information may be released to law enforcement or other governmental agencies if the participant indicates that the perpetrator is employed by the agency in question.
- **Court Order:**
 - The department may only disclose ACP participant information subject to a court order.
 - Further, if a program participant is involved in a legal proceeding as a party or witness, the court or other tribunal may issue a protective order to prevent disclosure of information that could reasonably lead to the discovery of the program participant's location.
 - See, e.g. Minn. Stat. 5B.11

CHAPTER 5B

DATA PROTECTION FOR VICTIMS OF VIOLENCE

5B.01	FINDINGS; PURPOSE.	5B.07	DATA CLASSIFICATION.
5B.02	DEFINITIONS.	5B.08	ADOPTION OF RULES.
5B.03	ADDRESS CONFIDENTIALITY PROGRAM.	5B.09	REPORT TO LEGISLATURE.
5B.04	CERTIFICATION CANCELLATION.	5B.10	DISPLAY AND RELEASE OF NAME PROHIBITED.
5B.05	USE OF DESIGNATED ADDRESS.	5B.11	LEGAL PROCEEDINGS; PROTECTIVE ORDER.
5B.06	VOTING BY PROGRAM PARTICIPANT; ABSENTEE BALLOT.	5B.12	AUTHORITY TO ACCEPT FUNDS.

5B.01 FINDINGS; PURPOSE.

The legislature finds that individuals attempting to escape from actual or threatened domestic violence, sexual assault, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic violence, sexual assault, or stalking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault, or stalking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for all purposes.

History: 2006 c 242 s 1

5B.02 DEFINITIONS.

(a) For purposes of this chapter and unless the context clearly requires otherwise, the definitions in this section have the meanings given them.

(b) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

(c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in section 524.5-102.

(d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2, paragraph (a), and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in section 524.5-102 for whom there is good reason to believe (i) that the eligible person is a victim of domestic violence, sexual assault, or stalking, or (ii) that the eligible person fears for the person's safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made. An individual must reside in Minnesota in order to be an eligible person. A person registered or required to register as a predatory offender under section 243.166 or 243.167, or the law of another jurisdiction, is not an eligible person.

(f) "Mail" means first class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding packages, parcels, periodicals, and catalogues, unless

they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a state or county government agency.

(g) "Program participant" means an individual certified as a program participant under section 5B.03.

(h) "Stalking" means acts criminalized under section 609.749 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.

History: 2006 c 242 s 2; 2008 c 227 s 1; 2009 c 105 s 1; 2013 c 76 s 1

5B.03 ADDRESS CONFIDENTIALITY PROGRAM.

Subdivision 1. **Application.** The secretary of state shall certify an eligible person as a program participant when the secretary receives an application that must contain:

- (1) the full legal name of the eligible person;
- (2) a statement by the applicant that the applicant has good reason to believe (i) that the eligible person listed on the application is a victim of domestic violence, sexual assault, or stalking, or (ii) that the eligible person fears for the person's safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made, and (iii) that the eligible person is not applying for certification as a program participant in order to avoid prosecution for a crime;
- (3) a designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;
- (4) the phone number or numbers where the applicant or eligible person can be called by the secretary of state;
- (5) the physical residential address of the eligible person, disclosure of which will increase the risk of domestic violence, sexual assault, or stalking;
- (6) if mail cannot be delivered to the residential address of the eligible person, the address to which mail should be sent;
- (7) a statement whether the eligible person would like information on becoming an ongoing absentee ballot recipient pursuant to section 5B.06;
- (8) a statement from the eligible person that gives the secretary of state consent to confirm the eligible person's participation in Safe at Home to a third party who provides the program participant's first and last name and Safe at Home lot number listed on the program participant's card;
- (9) the signature of the applicant, an indicator of the applicant's authority to act on behalf of the eligible person, if appropriate, the name and signature of any individual or representative of any person who assisted in the preparation of the application, and the date on which the application was signed; and
- (10) any other information as required by the secretary of state.

Subd. 2. **Filing.** Applications must be filed with the secretary of state and are subject to the provisions of section 5.15.

Subd. 3. **Certification.** Upon filing a completed application, the secretary of state shall certify the eligible person as a program participant. Program participants shall be certified for four years following the date of filing unless the certification is canceled, withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

Subd. 4. **Changes in information.** Program participants or applicants must inform the secretary of state of any changes in the information submitted on the application.

Subd. 5. **Designated address.** The secretary of state must designate a mailing address to which all mail for program participants is to be sent.

Subd. 6. **Attaining age of majority.** An individual who became a program participant as a minor assumes responsibility for changes in information and renewal when the individual reaches age 18.

History: 2006 c 242 s 3; 2008 c 227 s 2; 2013 c 76 s 2

5B.04 CERTIFICATION CANCELLATION.

(a) If the program participant obtains a legal change of identity, the participant loses certification as a program participant.

(b) The secretary of state may cancel a program participant's certification if there is a change in the program participant's legal name or contact information, unless the program participant or the person who signed as the applicant on behalf of an eligible person provides the secretary of state with prior notice in writing of the change.

(c) The secretary of state may cancel certification of a program participant if mail forwarded by the secretary to the program participant's address is returned as nondeliverable.

(d) The secretary of state may cancel a program participant's certification if the program participant is no longer an eligible person.

(e) The secretary of state shall cancel certification of a program participant who applies using false information.

History: 2006 c 242 s 4; 2013 c 76 s 3

5B.05 USE OF DESIGNATED ADDRESS.

(a) When a program participant presents the address designated by the secretary of state to any person, that address must be accepted as the address of the program participant. The person may not require the program participant to submit any address that could be used to physically locate the participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant's physical location.

(b) A program participant may use the address designated by the secretary of state as the program participant's work address.

(c) The Office of the Secretary of State shall forward all mail sent to the designated address to the proper program participants.

(d) If a program participant has notified a person in writing, on a form prescribed by the program, that the individual is a program participant and of the requirements of this section, the person must not knowingly disclose the program participant's name, home address, work address, or school address, unless the person to whom the address is disclosed also lives, works, or goes to school at the address disclosed, or the participant has provided written consent to disclosure of the participant's name, home address, work address, or school address for the purpose for which the disclosure will be made. This paragraph does not apply to records of the judicial branch governed by rules adopted by the Supreme Court or government entities governed by section 13.045.

History: 2006 c 242 s 5; 2013 c 76 s 4; 2014 c 173 s 1

5B.06 VOTING BY PROGRAM PARTICIPANT; ABSENTEE BALLOT.

A program participant who is otherwise eligible to vote may register with the secretary of state as a permanent absentee voter. Notwithstanding section 203B.04, subdivision 5, the secretary of state is not required to send an absentee ballot application prior to each election to a program participant registered as a permanent absentee voter under this section. As soon as practicable before each election, the secretary of state shall determine the precinct in which the residential address of the program participant is located and shall request from and receive from the county auditor or other election official the ballot for that precinct and shall forward the absentee ballot to the program participant with the other materials for absentee balloting as required by Minnesota law. The program participant shall complete the ballot and return it to the secretary of state, who shall review the ballot in the manner provided by section 203B.121, subdivision 2. If the ballot and ballot materials comply with the requirements of that section, the ballot must be certified by the secretary of state as the ballot of a program participant, and must be forwarded to the appropriate electoral jurisdiction for tabulation along with all other ballots. The name and address of a program participant must not be listed in the statewide voter registration system.

History: 2006 c 242 s 6; 2013 c 131 art 1 s 1; 2014 c 264 s 1

5B.07 DATA CLASSIFICATION.

Subdivision 1. **Classification of data.** (a) Data collected, created, or maintained by the secretary of state related to applicants, eligible persons, and program participants are private data on individuals as defined by section 13.02, subdivision 12. A consent for release of the address from an applicant, eligible person, or program participant is not effective.

(b) A program participant's name and address maintained by a local government entity in connection with an active investigation or inspection of an alleged health code, building code, fire code, or city ordinance violation allegedly committed by the program participant are private data on individuals as defined in section 13.02.

Subd. 2. **Release of data.** (a) Upon request from the Bureau of Criminal Apprehension, the secretary of state may share data that are private under subdivision 1 with the Bureau of Criminal Apprehension. Private data received by the Bureau of Criminal Apprehension may be released to a law enforcement agency upon verification that the release will aid the law enforcement agency in responding to an emergency situation or a criminal complaint or conducting an investigation.

(b) Data maintained by the secretary of state, the Bureau of Criminal Apprehension, and law enforcement agencies related to the process for data sharing under this section are nonpublic data as defined in section 13.02 but may be shared among those agencies. Data related to requests received from law en-

forcement agencies and the Bureau of Criminal Apprehension under this section are private or nonpublic data.

History: 2006 c 242 s 7; 2008 c 227 s 3; 2009 c 105 s 2; 2013 c 76 s 5

5B.08 ADOPTION OF RULES.

Enactment of this section satisfies the requirements of section 14.388, subdivision 1 for the enactment of rules to facilitate the administration of this chapter by state and local agencies.

History: 2006 c 242 s 8

5B.09 REPORT TO LEGISLATURE.

The secretary of state shall annually report to the chairs of the legislative committees having jurisdiction over government data practices and public safety stating the number of persons participating in the Safe at Home program during the previous calendar year. The report must be submitted annually by February 1.

History: 2008 c 227 s 4

5B.10 DISPLAY AND RELEASE OF NAME PROHIBITED.

Subdivision 1. **Display by landlord.** If a program participant has notified the program participant's landlord in writing that the individual is a program participant and of the requirements of this section, a local ordinance or the landlord must not require the display of the program participant's name at an address otherwise protected under this chapter.

Subd. 2. **Release to local government entity.** A landlord may provide a program participant's name to a local government entity only in response to a specific request made in connection with an active investigation or inspection of an alleged health, building, or fire code violation, or a violation of a city ordinance allegedly committed by the program participant.

History: 2009 c 105 s 3

5B.11 LEGAL PROCEEDINGS; PROTECTIVE ORDER.

If a program participant is involved in a legal proceeding as a party or witness, the court or other tribunal may issue a protective order to prevent disclosure of information that could reasonably lead to the discovery of the program participant's location.

History: 2011 c 116 art 1 s 1

5B.12 AUTHORITY TO ACCEPT FUNDS.

Notwithstanding sections 16A.013 to 16A.016, the secretary of state may accept funds contributed by individuals and may apply for grants from charitable foundations to be used for the address confidentiality program established in section 5B.03. In addition, the secretary of state may apply for grants from the federal government for purposes of the address confidentiality program. If the secretary of state accepts federal funds and the terms of the grant do not require the state to maintain its effort, section 3.3005 does not apply. If the secretary of state accepts federal funds and the terms of the grant do require the state to maintain its effort, section 3.3005 applies. The funds accepted under this section must be deposited in accounts in

the special revenue fund and are appropriated to the secretary of state for use in the address confidentiality program. The secretary of state shall report by January 15 each year to the chairs and ranking minority members of the finance committees of the house of representatives and the senate with jurisdiction over the secretary of state the total amounts received in the preceding calendar year, the sources of those funds, and the uses to which those funds were or will be put. Any contributions from program participants must be aggregated, and the names of program participants must not be reported.

History: 2013 c 142 art 3 s 9

2013 ORS § 192.820¹

Definitions for ORS 192.820 to 192.868

As used in ORS 192.820 (Definitions for ORS 192.820 to 192.868) to 192.868 (Grants, donations and gifts):

- (1) Actual address means:
 - (a) A residential, work or school street address of an individual specified on the application of the individual to be a program participant; **or**
 - (b) The name of the county in which the program participant resides or the name or number of the election precinct in which the program participant is registered to vote.
- (2) Address Confidentiality Program means the program established under ORS 192.822 (Address Confidentiality Program).
- (3) Application assistant means an employee of or a volunteer serving a public or private entity designated by the Attorney General under ORS 192.854 (Application assistants) to assist individuals with applications to participate in the Address Confidentiality Program.
- (4) Program participant means an individual accepted into the Address Confidentiality Program under ORS 192.820 (Definitions for ORS 192.820 to 192.868) to 192.868 (Grants, donations and gifts).
- (5) Public body has the meaning given that term in ORS 174.109 (Public body defined).
- (6) Public record has the meaning given that term in ORS 192.410 (Definitions for ORS 192.410 to 192.505).
- (7) Substitute address means an address designated by the Attorney General under the Address Confidentiality Program.
- (8) Victim of a sexual offense means:
 - (a) An individual against whom a sexual offense has been committed, as described in ORS 163.305 (Definitions) to 163.467 (Private indecency), 163.427 (Sexual abuse in the first degree), 163.466 (Classification of felony public indecency) or 163.525 (Incest); **or**
 - (b) Any other individual designated by the Attorney General by rule.

(9) Victim of domestic violence means:

- (a)** An individual against whom domestic violence has been committed, as defined in ORS 135.230 (Definitions for ORS 135.230 to 135.290), 181.610 (Definitions for ORS 181.610 to 181.712) or 411.117 (Requirements when victims of domestic violence apply for or receive TANF);
- (b)** An individual who has been a victim of abuse, as defined in ORS 107.705 (Definitions for ORS 107.700 to 107.735); **or**
- (c)** Any other individual designated a victim of domestic violence by the Attorney General by rule.

(10) Victim of human trafficking means:

- (a)** An individual against whom an offense described in ORS 163.263 (Subjecting another person to involuntary servitude in the second degree), 163.264 (Subjecting another person to involuntary servitude in the first degree) or 163.266 (Trafficking in persons) has been committed; **or**
- (b)** Any other individual designated by the Attorney General by rule. In adopting rules under this subsection, the Attorney General shall consider individuals against whom an act recognized as a severe form of trafficking in persons under 22 U.S.C. 7102 has been committed.

(11) Victim of stalking means:

- (a)** An individual against whom stalking has been committed, as described in ORS 163.732 (Stalking); **or**
- (b)** Any other individual designated by the Attorney General by rule. [2005 c.821 §1; 2007 c.542 §1; 2009 c.11 §18; 2009 c.468 §1]

Note: 192.820 (Definitions for ORS 192.820 to 192.868) to 192.868 (Grants, donations and gifts) were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 192 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

...

Chapter 192

Atty. Gen. Opinions

Attorney Generals Public Meetings and Records Manual, (1973) Vol 36, p 543; public meetings and records manual, (1976) Vol 37, p 1087; prohibition on disclosing marriage records, (1998) Vol 49, p 21

Related Statutes³

- 10.215
Master jury list
- 54.060
Making of jury lists
- 192.822
Address Confidentiality Program
- 192.826
Application for participation in program
- 192.828
Prohibitions
- 192.832
Notice of change in name, address or telephone number
- 192.834
Cancellation of certification
- 192.836
Use of substitute address
- 192.842
Use of actual or substitute address in specified circumstances
- 192.844
Prohibition on disclosure of actual address or telephone number by public body
- 192.846
Records of Department of Transportation
- 192.848
When Attorney General may disclose actual address or telephone number
- 192.852
Prohibition on obtaining actual address or telephone number
- 192.854
Application assistants
- 192.856
Additional response time for notice or other paper
- 192.858

Disclosures to participants

- 192.860
Rules
- 192.865
Criminal penalty
- 192.868
Grants, donations and gifts
- 247.940
List of active electors
- 247.945
List of county or statewide electors
- 247.967
Conditions where disclosure of electors residence address required

¹ Legislative Counsel Committee, *CHAPTER 192—Records; Public Reports and Meetings*, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors192.html (2013) (last accessed Apr. 27, 2014).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2013, Chapter 192*, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ano192.html (2013) (last accessed Apr. 27, 2014).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

Currency Information

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2013 ORS § 192.822¹

Address Confidentiality Program

• substitute addresses

- (1) The Address Confidentiality Program is established in the Department of Justice to:
 - (a) Protect the confidentiality of the actual address of a victim of domestic violence, a sexual offense, stalking or human trafficking; **and**
 - (b) Prevent assailants or potential assailants of the victim from finding the victim through public records.
- (2) The Attorney General shall designate a substitute address for a program participant and act as the agent of the program participant for purposes of service of all legal process in this state and receiving and forwarding first-class, certified or registered mail.
- (3) The Attorney General is not required to forward any packages or mail other than first-class, certified or registered mail to the program participant.
- (4) The Attorney General is not required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered. [2005 c.821 §2; 2009 c.468 §2]

Note: See note under 192.820 (Definitions for ORS 192.820 to 192.868).

...

Chapter 192

Atty. Gen. Opinions

Attorney Generals Public Meetings and Records Manual, (1973) Vol 36, p 543; public meetings and records manual, (1976) Vol 37, p 1087; prohibition on disclosing marriage records, (1998) Vol 49, p 21

Related Statutes³

- 192.820
Definitions for ORS 192.820 to 192.868

¹ Legislative Counsel Committee, *CHAPTER 192—Records; Public Reports and Meetings*, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors192.html (2013) (last accessed Apr. 27, 2014).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2013, Chapter 192*, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ano192.html (2013) (last accessed Apr. 27, 2014).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

Currency Information

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2109/P1

PJH:.....

emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

4-22

SA ✓
Kref ✓

1
2

AN ACT ^{Gen.} relating to: ↙ creating a program to protect the confidentiality of residential addresses for victims of domestic abuse, sexual assault, or stalking. ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

- 3 **SECTION 1.** 165.68 of the statutes is created to read:
- 4 **165.68 Address security program. (1) DEFINITIONS.** In this section: ✓
- 5 (a) "Abuse" means any of the following: ✓
- 6 1. Domestic abuse, as defined in s. 968.075 (1) (a). ✓
- 7 2. Sexual abuse, as defined in s. 103.10 (1m) (b) 6. ✓
- 8 3. Stalking, as defined in s. 103.10 (1m) (b) 7.
- 9 (b) "Actual address" means the residential street address, school address, or
- 10 work address of a program participant.

1 (c) "Assigned address" means an address designated by the department and
2 assigned to a program participant.

3 (d) "Department" means the department of justice.

4 (e) "Mail" means first class letters and flats delivered by the United States
5 Postal Service, including priority, express, and certified mail. ^(u)Mail ^(v)does not include
6 a package, parcel, periodical, or catalogue unless it is clearly identifiable ^(w)being sent
7 by a state or local agency or unit of government.

8 (f) "Program participant" means a person who is certified by the department
9 to participate in the confidentiality program established in this ^(x)section.

10 (2) ELIGIBILITY. ^(y)(a) A person is eligible for participation in the confidentiality
11 program established in this ^(z)section if he or she attests one of the following:

- 12 1. That he or she is a victim of abuse.
- 13 2. That he or she is a parent or guardian of a person who is a victim of abuse.
- 14 3. That he or she is a person who fears for his or her physical safety.
- 15 4. That he or she is a person who fears for the physical safety of his or her child
16 or ward.

17 5. That he or she is a resident of a household in which a person described in
18 subd. ^(aa)1. to 4. also resides.

19 (b) A person is eligible under par. ^(ab)(a) regardless of whether any criminal
20 charges have been brought relating to ^(ac)the ^(ad)any act or threat against the person ^(ae)or
21 whether the person has sought any restraining order or injunction relating to any
22 act or threat against the person ^(af)or whether the person has reported any act or
23 threat against him or her to a law enforcement officer or agency.

24 (3) ADMINISTRATION; APPLICATION. (a) The department shall provide an
25 application form for participation in the the confidentiality program established in

1 this section. The department may not charge a fee for applying to, or participating
2 in, the program.

3 (b) The application form shall include all of the following:

4 1. The applicant's name.

5 2. The applicant's actual address.

6 3. A place for the applicant to identify any law enforcement agency^{e that} employs
7 a person who committed an act of abuse against the applicant.

8 4. A statement certifying^{e that} the applicant understands and consents to all of
9 the following^{program requirements}

10 a. ~~That~~^A program participants remain^s enrolled in the program for 5 years,
11 unless he or she cancels his or her participation under subd.^{4.}e. or is disenrolled under
12 subd.^{4.}b.

13 b. ~~That~~^e a program participant is required to notify the department when he or
14 she changes his or her^{actual} address or legal name, and ~~that~~^e failure to update the
15 information may result in the department disenrolling the applicant as a program
16 participant.

17 c. ~~That~~^e a program participant authorizes the department to notify state or local
18 agencies and units of government that the applicant is a program participant.

19 d. ~~That~~^e the department will notify a program participant if his or her
20 participation will expire or if the department will disenroll the participant under

21 subd.^{4.}b. A program participant^e who receives a notification under this subdivision^{4.d.}
22 may update his or her information or may reenroll in the program within 6 months
23 from the date the department issues the notification.

24 e. ~~That~~^e a program participant may cancel his or her participation in the
25 program at any time by submitting a written notice to the department.

(1) (4) USE OF ASSIGNED ADDRESS; RELEASE OF INFORMATION. (a) The department shall
2 provide to each person it approves as a program participant an assigned address and
3 shall provide each program participant a notification form for use under sub. (5).

4 (b) The department shall forward all mail it receives at the assigned address
5 for each program participant to the program participant's actual address.

6 (c) The department shall provide, at the request of a program participant or at
7 the request of a state or local agency or unit of government, confirmation of the
8 person's status as a program participant.

9 (d) 1. Except as provided under subd. 2., the department may not disclose a
10 program participant's actual address to any person except pursuant to a court order.

11 If a court order is requested for disclosure, the department shall request the court
12 to keep any record containing the program participant's actual address sealed and
13 confidential.

14 2. The department may disclose a program participant's actual address to a law
15 enforcement officer with the permission of the program participant or if the program
16 participant is suspected of criminal activity. This subdivision does not apply to a law
17 enforcement officer who is employed at an agency that also employs a person who
18 committed an act of abuse against the program participant.

19 (5) USE OF ASSIGNED ADDRESS; CONFIDENTIALITY. (a) A program participant may
20 use the assigned address provided to him or to her under sub. (4) for all purposes.

21 (b) No state or local agency or unit of government may refuse to use a program
22 participant's assigned address for any official business. A state or local agency or
23 unit of government may confirm with the department a person's status as a
24 program participant.

1 (c) No person who has received a notification form from a program participant
2 may refuse to use the assigned address for the program participant, may require a
3 program participant to disclose his or her actual address, or may intentionally
4 disclose to another person the actual address of a program participant.

5 (6) REPORT TO THE LEGISLATURE. By December 31 annually, the department
6 shall submit a report to the chief clerk of each house of the legislature, for
7 distribution to the legislature under s. 13.172 (2) that identifies the number of
8 program participants for each calendar year.

9 **SECTION 2. Effective date.**

10 (1) This act takes effect on the first day of the 7th month beginning after ✓
11 publication.

12 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2109/P1dn

PJH:.....

emw

____ Date _____

Kara,

Please review this preliminary draft. As we discussed, I tried to take the best parts from a few of the statutes that were forwarded to me, in conjunction with the materials sent by your constituent.

Please let me know if you would like changes to the draft, or if you would like to meet to discuss the draft further. When the draft meets your approval, I will write an analysis and redraft it in introducible form.

Peggy J. Hurley
Senior Legislative Attorney
(608) 266-8906
peggy.hurley@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2109/P1dn
PJH:emw:kf

April 22, 2015

Kara,

Please review this preliminary draft. As we discussed, I tried to take the best parts from a few of the statutes that were forwarded to me, in conjunction with the materials sent by your constituent.

Please let me know if you would like changes to the draft, or if you would like to meet to discuss the draft further. When the draft meets your approval, I will write an analysis and redraft it in introducible form.

Peggy J. Hurley
Senior Legislative Attorney
(608) 266-8906
peggy.hurley@legis.wisconsin.gov

Hurley, Peggy

From: Pennoyer, Kara
Sent: Wednesday, June 10, 2015 2:25 PM
To: Hurley, Peggy; Vicky S. Selkove
Subject: RE: Draft review: LRB -2109/P1 Topic: Keeping addresses confidential for victims of abuse

Thanks for the feedback, Vicky! Sorry for my delay. Yesterday's floor session kept me busy...

I agree with your suggested changes. As for #8, I agree that adding a protected address under the program would work on the political end. Same with #9. If there is a way to clarify, that would help get to the goal of the legislation.

Everything else looks great. Let me know if we think an in-person meeting would be helpful. I'm free most of tomorrow and Friday morning.

Thank you both!

Kara Pennoyer
Office of Senator Jennifer Shilling
608.266.5490
206 South, State Capitol



From: Hurley, Peggy
Sent: Monday, June 08, 2015 4:59 PM
To: Vicky S. Selkove; Pennoyer, Kara
Subject: RE: Draft review: LRB -2109/P1 Topic: Keeping addresses confidential for victims of abuse

Thanks, Vicky,

I'll review all of the items and let you know if I have any questions regarding items 1-7. I already know that I will need to get some assistance from the voting chapters folks on the confidential voter address program, because I am not familiar with that program at all.

I will wait for further feedback from the Senator's office on items 8 & 9.

Peggy

From: Vicky S. Selkove [<mailto:VSS@legalaction.org>]
Sent: Monday, June 08, 2015 4:54 PM
To: Pennoyer, Kara; Hurley, Peggy
Subject: RE: Draft review: LRB -2109/P1 Topic: Keeping addresses confidential for victims of abuse

Kara & Peggy,

Sorry it has taken me so long to get back to this. The state budget & other pending legislation has been quite distracting...

#s 8 and 9 on that list are more policy/political questions that maybe we should talk more about, Kara, but the rest we would hope Sen. Shilling would be ok with and that Peggy could incorporate all of those into the P draft.

Thanks for your work on this. Exciting to see it take shape,
Vicky



Vicky Selkove
Director of Legislative, Rulemaking & Training Compliance
Legal Action of Wisconsin
Direct #: 608-620-2011
vss@legalaction.org
<http://www.legalaction.org/>

From: Pennoyer, Kara [mailto:Kara.Pennoyer@legis.wisconsin.gov]
Sent: Monday, April 27, 2015 10:17 AM
To: Vicky S. Selkove
Subject: FW: Draft review: LRB -2109/P1 Topic: Keeping addresses confidential for victims of abuse

I'm back from jury duty! Are you around this week? Do you want to come chat about the bill draft?

Also, I'd like to discuss Square Harvest. I saw you posted a link on Facebook and am in love with the idea. We'll have to add that to our agenda.

Kara Pennoyer
Office of Senator Jennifer Shilling
608.266.5490
206 South, State Capitol



From: LRB.Legal
Sent: Wednesday, April 22, 2015 2:17 PM
To: Sen.Shilling
Subject: Draft review: LRB -2109/P1 Topic: Keeping addresses confidential for victims of abuse

Following is the PDF version of draft LRB -2109/P1 and drafter's note.

Hurley, Peggy

From: Vicky S. Selkove <VSS@legalaction.org>
Sent: Monday, June 08, 2015 4:54 PM
To: Pennoyer, Kara; Hurley, Peggy
Subject: RE: Draft review: LRB -2109/P1 Topic: Keeping addresses confidential for victims of abuse

Kara & Peggy,

Sorry it has taken me so long to get back to this. The state budget & other pending legislation has been quite distracting...

I've consulted with our attorneys who practice in this area as well as End Domestic Abuse Wisconsin and we have several specific changes we'd request to the draft:

1. The draft uses the definition of "domestic abuse" found in 969.075(1)(a). We have a strong preference that the bill use the broader and more commonly used definition found in 813.12(1)(am).
2. The draft uses the definition of "stalking" language found in 103.10. We have a strong preference that the bill use the broader and more commonly used definition found in 940.32
3. Given the recent attention on trafficking, the bill should include trafficking as an eligible type of victimization.
4. There is no definition of "child abuse" in the draft, which means that unless the child victim was molested or stalked, s/he would not be considered a victim of abuse for this bill. We want to make sure children can access the program as well. The broad eligibility in the draft right now is viewed as a very positive aspect of this bill.
5. Minnesota (and perhaps other states) allow for the forwarding of parcels that are marked as pharmaceuticals – we've had feedback that it's common for victims to order their prescription medications via mail to avoid going to a place (pharmacy) that their abuser is aware of. It would be good to include that limited parcel forwarding in the bill.
6. The draft doesn't include any language about threats to engage in abuse (or than the vague "physical act" language reference in 968.075(1)(a) – we want to ensure that people who been threatened with abuse can access this program.
7. The bill probably needs to cross-reference the confidential voter address program in some way. The CVAP has a process for issuing a card and ID number and including the ID number in the poll book in the place of an address. It certainly seems that someone who's enrolled in the ACP would be able to argue that the GAB & local clerk are prohibited from releasing their address whether or not the person is enrolled in the confidential voter address program. The GAB though, might take the position that the more specific requirements of the CVAP control. The CVP criteria are more burdensome and restrictive than what we want in the ACP. Perhaps the bill could include language that makes clear that someone enrolled in the ACP is more or less automatically enrolled in the CVAP? (Or that the ACP application includes the CVAP sign-up as well?) We're open to ideas on this one but the bill needs some language to ensure that there's no confusion or glitches related to the existing CVAP.
8. A question about open records law: should the open records law in Chapter 19 be amended to explicitly exempt the actual address? The bill draft does require a court order before the address may be disclosed, but we'd like to preclude someone from using Chapter 19 as a basis for obtaining that order. Maybe this could just be added to 19.35(1)(am) by adding a protected address under this program as a list of things the public does not have the right to view?
9. Similarly, to achieve the intent of removing victims' names from property records for owner-occupied residents, I think the bill may need to be really specific. Minnesota has confronted problems in this area (<http://www.sos.state.mn.us/index.aspx?recordid=960&page=10>) and amended their ACP law in response (<https://www.revisor.mn.gov/statutes/?id=13.045>). We recently had questions from a municipality trying to protect the address of a domestic violence victim from property records so it would be great if this bill could help clarify those kinds of situations.

6.47 Confidentiality of information relating to victims of domestic abuse, sexual assault, or stalking.

(1) (intro.) In this section:

(ag) "Domestic abuse victim service provider" means an organization that is certified by the department of children and families as eligible to receive grants under s. 49.165 (2) and whose name is included on the list provided by the board under s. 7.08 (10).

(am) (intro.) "Eligible individual" means:

1. An individual who has been granted a protective order that is in effect.
2. An individual who files an affidavit with the municipal clerk of the municipality where the individual resides, on a form prescribed by the board, that is signed by a sheriff, the chief of a police department, or a district attorney or the authorized representative of a sheriff, chief, or district attorney and directed to the municipal clerk, and that verifies that a person has been charged with or convicted of an offense relating to domestic abuse, sexual assault, or stalking in which the individual was a victim and reasonably continues to be threatened by that person.
3. An individual who resides in a shelter.
4. An individual who submits a dated statement to the municipal clerk that includes the individual's full name, that is signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider, and that indicates that the individual received services from the provider within the 24-month period ending on the date of the statement.

X An individ who is a "vpp" under s. 165.68

(b) "Offense relating to domestic abuse, sexual assault, or stalking" means an offense specified in s. 940.19, 940.20 (1m), 940.201, 940.22, 940.225, 940.235, 940.32, 947.013, 948.02, 948.025, 948.06, 948.085, 948.09, or 948.095.

(c) "Protected individual" means an individual whose name and address is confidential under sub. (2).

(d) "Protective order" means a temporary restraining order or an injunction issued under s. 813.12 or 813.125.

(dm) "Sexual assault victim service provider" means an organization that is certified by the department of justice as eligible to receive grants under s. 165.93 (2) and whose name is included on the list provided by the board under s. 7.08 (10).

(e) "Shelter" means a place where at least 4 unrelated individuals reside that provides residential shelter to individuals whose personal security is or may be threatened by family members or other persons with whom the individuals have had contact.

(2) Except as authorized in sub. (8), the board, each municipal clerk, each agent designated under s. 6.33 (5) (b), and each election official shall withhold from public inspection under s. 19.35 (1) the name and address of any eligible individual whose name appears on a poll list or registration list if the individual provides the municipal clerk with a valid written request to protect the individual's confidentiality. To be valid, a request under this subsection must be accompanied by a copy of a protective order that is in

confirm of status as a P.P. as provided under 165.008 (4)(c)

effect, (an affidavit under sub. (1) (am) 2. that is dated within 30 days of the date of the request, a statement signed by the operator or an authorized agent of the operator of a shelter that is dated within 30 days of the date of the request and that indicates that the operator operates the shelter and that the individual making the request resides in the shelter, or a statement signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider under sub. (1) (am) 4. that is dated within 30 days of the date of the request. A physically disabled individual who appears personally at the office of the municipal clerk accompanied by another elector of this state may designate that elector to make a request under this subsection on his or her behalf.

(3) Upon receiving a valid written request from an elector under sub. (2), the municipal clerk shall issue to the elector a voting identification card on a form prescribed by the board that shall contain the name of the elector's municipality of residence and, in the case of a town, the county in which the town is located, the elector's name, the ward in which the elector resides, if any, and a unique identification serial number issued by the board. The number issued to an elector under this subsection shall not be changed for so long as the elector continues to qualify for a listing under sub. (2).

(4) Except as provided in sub. (5), a confidential listing under sub. (2) expires on the date that a protective order expires, the date that the protected individual ceases to reside in a shelter, the date that updated information is received from a sheriff, the chief of a police department, or a district attorney or the authorized representative of a sheriff, chief, or district attorney, or at the end of the 24-month period that follows creation or renewal of the listing under sub. (2), whichever is earlier.

(5)

(a) (intro.) The municipal clerk shall cancel a confidential listing under sub. (2) if:

1. The clerk receives notification from a sheriff, chief of police, or district attorney or the authorized representative of a sheriff, chief, or district attorney under sub. (10).
2. The name of the protected individual is legally changed.
3. The protected individual changes his or her address without notifying the municipal clerk.
4. The municipal clerk finds that the protected individual provided false information to the clerk for the purpose of obtaining a confidential listing under sub. (2).

(b) An individual whose confidential listing is canceled under par. (a) may file a new request and qualify under sub. (2) to obtain a renewal of the listing.

(6) Upon expiration of a confidential listing on a registration list under sub. (2), the municipal clerk shall change the registration of the protected individual to ineligible status unless the individual files a new request and qualifies under sub. (2) to obtain a renewal of the listing or unless the individual applies for and qualifies to obtain a nonconfidential voter registration. Except as authorized in sub. (8), the municipal clerk shall withhold from public inspection under s. 19.35 (1) the name and address of any individual whose registration is changed under this subsection if the individual qualified for a confidential listing at the time of that listing.

(7)

(a) If the municipal clerk has notice that a confidential listing under sub. (2) is scheduled to expire, the municipal clerk shall provide 30 days' notice to the protected individual of the scheduled expiration of the listing.

(b) If notice to a protected individual is not provided under par. (a), the municipal clerk shall provide notice to the subject individual upon changing a listed individual to ineligible status under sub. (6).

(8) (intro.) The municipal clerk shall provide access to a name and address under sub. (2):

(a) To a law enforcement officer for official purposes.

(b) To a state or local governmental officer pursuant to a specific law that necessitates obtaining the name or address.

(c) Pursuant to a court order citing a reason that access to the name or address should be provided.

(e) At the request of a protected individual, for purposes of permitting that individual to sign a petition under s. 59.05 (2) or a protest petition, consent or counter petition under s. 125.05.

(9) No person who obtains access to a name or address under sub. (8) may disclose the name or address to any person other than a public employee for the same purpose for which the information was obtained.

(10) If a sheriff, chief of a police department, or district attorney has signed or the authorized representative of a sheriff, chief, or district attorney has signed an affidavit under sub. (1) (am) 2. and the sheriff, chief, district attorney or authorized representative later obtains information that the person who was charged with an offense relating to domestic abuse, sexual assault, or stalking is no longer so charged or that the person's judgment of conviction has been vacated, and the charge or conviction was the sole basis for the affidavit, the sheriff, chief, district attorney or authorized representative shall provide written notice of that information to the municipal clerk to whom the affidavit was directed.

History: 1999 a. 49, 186; 2003 a. 265; 2005 a. 253, 277, 278; 2007 a. 20; 2009 a. 180; 2013 a. 362.

2014 Minnesota Statutes

Authenticate

13.045 SAFE AT HOME PROGRAM PARTICIPANT DATA.

Subdivision 1. **Definitions.** As used in this section:

(1) "program participant" has the meaning given in section 5B.02, paragraph (g);

(2) "location data" means any data that may be used to physically locate a program participant, including but not limited to the program participant's residential address, work address, and school address, and that is collected, received, or maintained by a government entity prior to the date a program participant's certification expires, or the date the entity receives notice that the program participant has withdrawn from the program, whichever is earlier;

(3) "identity data" means data that may be used to identify a program participant, including the program participant's name, phone number, e-mail address, address designated under chapter 5B, Social Security number, or driver's license number, and that is collected, received, or maintained by a government entity before the date a program participant's certification expires, or the date the entity receives notice that the program participant has withdrawn from the program, whichever is earlier;

(4) "county recorder" means the county official who performs the functions of the county recorder or registrar of titles to record a document as part of the county real estate document recording system, regardless of title or office; and

(5) "real property records" means any record of data that is maintained by a county as part of the county real estate document recording system for use by the public.

Subd. 2. **Notification of certification.** (a) A program participant may submit a notice, in writing, to the responsible authority of any government entity other than the county recorder that the participant is certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The notice must include the program participant's name, names of other program participants in the household, address designated under chapter 5B, program participant signature, date the program participant's certification in the program expires, and any other information specified by the secretary of state. A program participant may submit a subsequent notice of certification, if the participant's certification is renewed. The contents of the notification of certification are private data on individuals.

(b) To affect real property records, including but not limited to documents maintained in a public recording system, data on assessments and taxation, and other data on real property, a program participant must submit a real property notice in writing to the county recorder in the county where the property identified in the real property notice is located. A real property notice must be on a form prescribed by the secretary of state and must include:

- (1) the full legal name of the program participant, including middle name;
- (2) the last four digits of the program participant's Social Security number;
- (3) the designated address of the program participant as assigned by the secretary of state, including lot number;
- (4) the date the program participant's certification in the program expires;
- (5) the legal description and street address, if any, of the real property affected by the notice;
- (6) the address of the Office of the Secretary of State; and
- (7) the signature of the program participant.

Only one parcel of real property may be included in each notice, but more than one notice may be presented to the county recorder. The county recorder may require a program participant to provide additional information necessary to identify the records of the program participant or the real property described in the notice. A program participant must submit a subsequent real property notice for the real property if the participant's certification is renewed. The real property notice is private data on individuals.

Subd. 3. Classification of identity and location data; sharing and dissemination.

(a) Identity and location data on a program participant who submits a notice under subdivision 2, paragraph (a), that are not otherwise classified by law are private data on individuals. Notwithstanding any provision of law to the contrary, private or confidential location data on a program participant who submits a notice under subdivision 2, paragraph (a), may not be shared with any other government entity or nongovernmental entity except as provided in paragraph (b).

(b) Private or confidential location data on a program participant must not be shared or disclosed by a government entity unless:

(1) the program participant has expressly consented in writing to sharing or dissemination of the data for the purpose for which the sharing or dissemination will occur;

(2) the data are subject to sharing or dissemination pursuant to court order under section 13.03, subdivision 6; or

(3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

(4) the location data related to county of residence are needed to provide public assistance or other government services, or to allocate financial responsibility for the assistance or services;

(5) the data are necessary to perform a government entity's health, safety, or welfare functions, including the provision of emergency 911 services, the assessment and investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection of services or locations for compliance with health, safety, or professional standards; or

(6) the data are necessary to aid an active law enforcement investigation of the program participant.

(c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the purposes authorized in this subdivision and may not be further disclosed to any other person or government entity. Government entities receiving or sharing private or confidential data under this subdivision shall establish procedures to protect the data from further disclosure.

(d) Real property record data are governed by subdivision 4a.

Subd. 4. Acceptance of alternate address required. Regardless of whether a notice of certification has been submitted under subdivision 2, a government entity must accept the address designated by the secretary of state as a program participant's address, and is subject to the requirements contained in section 5B.05, paragraphs (a) to (c).

Subd. 4a. Real property records. (a) If a program participant submits a notice to a county recorder under subdivision 2, paragraph (b), the county recorder must not disclose the program participant's identity data in conjunction with the property identified in the written notice, unless:

(1) the program participant has consented to sharing or dissemination of the data for the purpose identified in a writing acknowledged by the program participant;

(2) the data are subject to sharing or dissemination pursuant to court order under section 13.03, subdivision 6; or

(3) the secretary of state authorizes the sharing or dissemination of the data under subdivision 4b for the purpose identified in the authorization.

This subdivision does not prevent the county recorder from returning original documents to the individuals that submitted the documents for recording. This subdivision does not prevent the public disclosure of the participant's name and address designated under chapter 5B in the county reception index if the participant's name and designated address are not disclosed in conjunction with location data. Each county recorder shall establish procedures for recording or filing documents to comply with this subdivision. These procedures may include masking identity or location data and making documents or certificates of title containing the data private and not viewable except as allowed by this paragraph. The procedure must comply with the requirements of chapters 386, 507, 508, and 508A and other laws as appropriate, to the extent these requirements do not conflict with this section. The procedures must provide public notice of the existence of recorded documents and certificates of title that are not publicly viewable and the provisions for viewing them under this subdivision. Notice that a document or certificate is private and viewable only under this subdivision or subdivision 4b is deemed constructive notice of the document or certificate.

(b) A real property notice is notice only to the county recorder. A notice that does not conform to the requirements of a real property notice under subdivision 2, paragraph (b), is not effective as a notice to the county recorder. On receipt of a real property notice, the county recorder shall provide a copy of the notice to the person who maintains the property tax records in that county, and provide a copy to the secretary of state at the address specified by the secretary of state in the notice.

(c) Paragraph (a) applies only to the records recorded or filed concurrently with the real property notice specified in subdivision 2, paragraph (b), and real property records affecting the same real property recorded subsequent to the county's receipt of the real property notice.

(d) The prohibition on disclosure in paragraph (a) continues until:

(1) the program participant has consented to the termination of the real property notice in a writing acknowledged by the program participant;

(2) the real property notice is terminated pursuant to a court order;

(3) the program participant no longer holds a record interest in the real property identified in the real property notice; or

(4) the secretary of state has given written notice to the county recorder who provided the secretary of state with a copy of a participant's real property notice that the program participant's certification has terminated. Notification under this paragraph must be given by the secretary of state within 90 days of the termination.

Upon termination of the prohibition of disclosure, the county recorder shall make publicly viewable all documents and certificates of title relative to the participant that were previously partially or wholly private and not viewable.

Subd. 4b. Access to real property data; title examination. (a) Upon request, the secretary of state may share data regarding a program participant's real property records for the purpose of confirming or denying that the program participant's real property is the property subject to a bona fide title examination. The request must include:

(1) the name, title, address, and affiliated organization, if applicable, of the person requesting data;

(2) the purpose for requesting data;

(3) the requestor's relationship, if any, to the program participant subject to the data; and

(4) the legal description of the property subject to the title examination and any other information required by the secretary of state to respond to the request.

The secretary of state shall approve or deny a request for access to data within two business days.

(b) In responding to a bona fide request, the secretary of state may respond by an affirmation in writing that the property subject to the title examination is or is not the property subject to a program participant's real property notice. Notwithstanding subdivision 4a, or any law to the contrary, a party examining title may rely conclusively on the information contained in a written affirmation from the secretary of state.

(c) Location data disclosed under this subdivision may be used only for the purposes authorized in this subdivision and may not be further disclosed to any other person. A person receiving private data under this subdivision shall establish procedures to protect the data from further disclosure.

Subd. 5. Duties of the secretary of state and other government entities limited.

Nothing in this section establishes a duty for:

(1) the Office of the Secretary of State to identify other government entities that may hold data on a program participant; or

(2) the responsible authority of any government entity to independently determine whether it maintains data on a program participant, unless a request is received pursuant to section 13.04 or a notice of certification is submitted pursuant to this section.

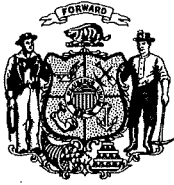
Subd. 6. Service of process upon program participants. Notwithstanding any law to the contrary, after a government entity receives a notice under subdivision 2 or 4a, if the government entity seeks to serve process upon a program participant, the service must be made by personal service or service by mail upon the secretary of state under section 5B.03, subdivision 1, clause (3). In an action in which service by publication is required or necessary, publication is valid if the publication omits the name of the program participant and the secretary of state has been served as provided in this subdivision.

Subd. 7. Sharing of program participant data with the secretary of state.

Nothing in this section prevents a government entity from sharing program participant data with the secretary of state for the purpose of facilitating compliance with this section.

History: 2013 c 76 s 6; 2014 c 173 s 2

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2109/P1
PJH:emw

pd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

8-20

*S.A. ✓
Xref ✓*

1 **AN ACT to create** 165.68 of the statutes; **relating to:** creating a program to
2 protect the confidentiality of addresses for victims of domestic abuse, sexual
3 assault, or stalking.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

4 **SECTION 1.** 165.68 of the statutes is created to read:

5 **165.68 Address security program. (1) DEFINITIONS.** In this section:

6 (a) "Abuse" means any of the following:

7 1. Domestic abuse, as defined in s. 968.075 (1) (a).

8 2. Sexual abuse, as defined in s. 103.10 (1m) (b) 6.

9 3. Stalking, as defined in s. 103.10 (1m) (b) 7.

an act or threat of

Insert 1.6

Insert 1.6

813.12(1)(am)

940.32

Insert 1.9

under

1 (b) "Actual address" means the residential street address, school address, or
2 work address of a program participant.

3 (c) "Assigned address" means an address designated by the department and
4 assigned to a program participant.

5 (d) "Department" means the department of justice.

6 (e) "Mail" means first class letters and flats delivered by the United States
7 Postal Service, including priority, express, and certified mail. "Mail" does not include
8 a package, parcel, periodical, or catalogue unless it is clearly identifiable as being
9 sent by a state or local agency or unit of government.

Inset 2.9

10 (f) "Program participant" means a person who is certified by the department
11 to participate in the confidentiality program established in this section.

12 (2) ELIGIBILITY. (a) A person is eligible for participation in the confidentiality
13 program established in this section if he or she attests one of the following:

- 14 1. That he or she is a victim of abuse.
- 15 2. That he or she is a parent or guardian of a person who is a victim of abuse.
- 16 3. That he or she is a person who fears for his or her physical safety.
- 17 4. That he or she is a person who fears for the physical safety of his or her child
18 or ward.
- 19 5. That he or she is a resident of a household in which a person described in
20 subs. 1. to 4. also resides.

21 (b) A person is eligible under par. (a) regardless of whether any criminal
22 charges have been brought relating to any act or threat against the person, whether
23 the person has sought any restraining order or injunction relating to any act or threat
24 against the person, or whether the person has reported any act or threat against him
25 or her to a law enforcement officer or agency.

1 (3) ADMINISTRATION; APPLICATION. (a) The department shall provide an
2 application form for participation in the the confidentiality program established in
3 this section. The department may not charge a fee for applying to, or participating
4 in, the program.

5 (b) The application form shall include all of the following:

6 1. The applicant's name.

7 2. The applicant's actual address.

8 3. A place for the applicant to identify any law enforcement agency that
9 employs a person who committed an act of abuse against the applicant.

10 4. A statement certifying that the applicant understands and consents to all
11 of the following program requirements:

12 a. A program participant remains enrolled in the program for 5 years, unless
13 he or she cancels his or her participation under subd. 4. e. or is disenrolled under
14 subd. 4. b.

15 b. A program participant is required to notify the department when he or she
16 changes his or her actual address or legal name, and failure to update the
17 information may result in the department disenrolling the applicant as a program
18 participant.

19 c. A program participant authorizes the department to notify state or local
20 agencies and units of government that the applicant is a program participant.

21 d. The department will notify a program participant if his or her participation
22 will expire or if the department will disenroll the participant under subd. 4. b. A
23 program participant who receives a notification under this subd. 4. d. may update
24 his or her information or may reenroll in the program within 6 months from the date
25 the department issues the notification.

1 e. A program participant may cancel his or her participation in the program at
2 any time by submitting a written notice to the department.

3 (4) USE OF ASSIGNED ADDRESS; RELEASE OF INFORMATION. (a) The department
4 shall provide to each person it approves as a program participant an assigned
5 address and shall provide each program participant a notification form for use under
6 sub. (5).

7 (b) The department shall forward all mail it receives at the assigned address
8 for each program participant to the program participant's actual address.

9 (c) The department shall provide, at the request of a program participant or at
10 the request of a state or local agency or unit of government, confirmation of the
11 person's status as a program participant.

12 (d) 1. Except as provided under subd. 2., the department may not disclose a
13 program participant's actual address to any person except pursuant to a court order.
14 If a court order is requested for disclosure, the department shall request the court
15 to keep any record containing the program participant's actual address sealed and
16 confidential.

17 2. The department may disclose a program participant's actual address to a law
18 enforcement officer with the permission of the program participant or if the program
19 participant is suspected of criminal activity. This subdivision does not apply to a law
20 enforcement officer who is employed at an agency that also employs a person who
21 committed an act of abuse against the program participant.

22 (5) USE OF ASSIGNED ADDRESS; CONFIDENTIALITY. (a) A program participant may
23 use the assigned address provided to him or her under sub. (4) for all purposes.

24 (b) No state or local agency or unit of government may refuse to use a program
25 participant's assigned address for any official business. A state or local agency or

1 unit of government may confirm with the department a person's status as a program
2 participant.

3 (c) No person who has received a notification form from a program participant
4 may refuse to use the assigned address for the program participant, may require a
5 program participant to disclose his or her actual address, or may intentionally
6 disclose to another person the actual address of a program participant.

7 (6) REPORT TO THE LEGISLATURE. By December 31 annually, the department
8 shall submit a report to the chief clerk of each house of the legislature, for
9 distribution to the legislature under s. 13.172 (2) that identifies the number of
10 program participants for each calendar year.

11 **SECTION 2. Effective date.**

12 (1) This act takes effect on the first day of the 7th month beginning after
13 publication.

14 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2109/P1ins
PJH:emw

INSERT 1.6:

1. Child abuse, as defined under s. 813.122 (1) (a) ^{ss.} or child abuse under ss. ^{or} 948.02 to 948.11.

INSERT 1.9:

5. Trafficking under s. 940.302.

INSERT 2.9:

or is clearly identifiable as containing a pharmaceutical or medical item.

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2109/P1insMES
PJH&MES:emw

INS 1-4

SECTION 1. 6.47 (1) (am) 5. of the statutes is created to read:

6.47 (1) (am) 5. An individual who is a participant in the program established in s. 165.68.

SECTION 2. 6.47 (2) of the statutes is amended to read:

6.47 (2) Except as authorized in sub. (8), the board, each municipal clerk, each agent designated under s. 6.33 (5) (b), and each election official shall withhold from public inspection under s. 19.35 (1) the name and address of any eligible individual whose name appears on a poll list or registration list if the individual provides the municipal clerk with a valid written request to protect the individual's confidentiality. To be valid, a request under this subsection must be accompanied by a copy of a protective order that is in effect, an affidavit under sub. (1) (am) 2. that is dated within 30 days of the date of the request, confirmation from the department of justice that the person is a program participant, as provided under s. 165.68 (4) (c), a statement signed by the operator or an authorized agent of the operator of a shelter that is dated within 30 days of the date of the request and that indicates that the operator operates the shelter and that the individual making the request resides in the shelter, or a statement signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider under sub. (1) (am) 4. that is dated within 30 days of the date of the request. A physically disabled individual who appears personally at the office of the municipal clerk accompanied by another elector of this state may designate that elector to make a request under this subsection on his or her behalf.

^x
SECTION 3. 6.47 (4) of the statutes is renumbered 6.47 (4) (a) and amended to read:

6.47 (4) (a) Except as provided in par. (b) and sub. (5), a confidential listing under sub. (2) expires on the date that a protective order expires, the date that the protected individual ceases to reside in a shelter, the date that updated information is received from a sheriff, the chief of a police department, or a district attorney or the authorized representative of a sheriff, chief, or district attorney, or at the end of the 24-month period that follows creation or renewal of the listing under sub. (2), whichever is earlier.

History: 1999 a. 49, 186; 2003 a. 265; 2005 a. 253, 277, 278; 2007 a. 20; 2009 a. 180; 2013 a. 362.

SECTION 4. 6.47 (4) (b) of the statutes is created to read:

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

^x
SECTION 5. 19.35 (1) (am) 2m. of the statutes is created to read:

19.35 (1) (am) 2m. The actual address, as defined in s. 165.68 (1) (b), of a participant in the program established in s. 165.68.

^x
SECTION 6. 66.0504 of the statutes is created to read:

66.0504 Address security program. (1) DEFINITIONS. In this section:

(a) "Actual address" has the meaning given in s. 165.68 (1) (b).

(b) "Local clerk" means an individual, and an individual's deputy or assistant, who serves as one of the following:

1. A county clerk under s. 59.23.

2. A clerk of court under s. 59.40.

3. A municipal clerk as defined in s. 5.02 (10).

4. A register of deeds under s. 59.43.

(c) "Program participant" has the meaning given in s. 165.68 (1) (f).

(2) IDENTITY PROTECTION. (a) If a program participant submits a written request to a local clerk that he or she keep the program participant's actual address private, the local clerk may not disclose any record in his or her possession which would reveal the program participant's actual address, except pursuant to a court order.

(b) The provisions of s. 165.68 (3) (b) 4. a., to the extent that they apply under s. 165.68, apply to a program participant's written request under par. (a).

Hurley, Peggy

From: Pennoyer, Kara
Sent: Wednesday, September 30, 2015 1:42 PM
To: Hurley, Peggy
Subject: RE: Draft review: LRB -2109/P2 Topic: Keeping addresses confidential for victims of abuse

I think we're all set with just those changes. Can we get a draft for introduction?

Thanks Peggy!

Kara Pennoyer
Office of Senator Jennifer Shilling
608.266.5490
206 South, State Capitol



From: Hurley, Peggy
Sent: Thursday, September 17, 2015 11:00 AM
To: Pennoyer, Kara <Kara.Pennoyer@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -2109/P2 Topic: Keeping addresses confidential for victims of abuse

Thanks, Kara.

- 1) Will do.
- 2) Oops. Will fix.

I'll keep the draft in hold until you let me know if you want more changes after DOJ chimes in, or if you want these changes only.

Peggy

From: Pennoyer, Kara
Sent: Thursday, September 17, 2015 10:54 AM
To: Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -2109/P2 Topic: Keeping addresses confidential for victims of abuse

Hi Peggy,

I just sat down with End Domestic Abuse and Legal Action and they are happy with the bill as drafted. We just have two small changes:

- 1) Replace "Address Security Program" with "Address Confidentiality Program" throughout
- 2) The "many" on page 3, line 22 should be "may." We think?

I'm waiting to hear back from DOJ so don't send a new draft over until I let you know if they want changes as well. I just wanted to get those changes on your radar in case there is an issue with either.

Thanks!