



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2109/P2  
PJH:emw

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

10/2

S.A. ✓ Inset analysis

1 **AN ACT** *to renumber and amend* 6.47 (4); *to amend* 6.47 (2); and *to create* 6.47  
2 (1) (am) 5., 6.47 (4) (b), 19.35 (1) (am) 2m., 66.0504 and 165.68 of the statutes;  
3 **relating to:** creating a program to protect the confidentiality of addresses for  
4 victims of domestic abuse, sexual assault, or stalking.

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***Analysis by the Legislative Reference Bureau***

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

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

5 **SECTION 1.** 6.47 (1) (am) 5. of the statutes is created to read:  
6 6.47 (1) (am) 5. An individual who is a participant in the program established  
7 in s. 165.68.  
8 **SECTION 2.** 6.47 (2) of the statutes is amended to read:  
9 6.47 (2) Except as authorized in sub. (8), the board, each municipal clerk, each  
10 agent designated under s. 6.33 (5) (b), and each election official shall withhold from

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

17 **SECTION 3.** 6.47<sup>✓</sup> (4) of the statutes is renumbered 6.47 (4) (a) and amended to  
18 read:

19 6.47 (4) (a) Except as provided in par. (b) and sub. (5), a confidential listing  
20 under sub. (2) expires on the date that a protective order expires, the date that the  
21 protected individual ceases to reside in a shelter, the date that updated information  
22 is received from a sheriff, the chief of a police department, or a district attorney or  
23 the authorized representative of a sheriff, chief, or district attorney, or at the end of  
24 the 24-month period that follows creation or renewal of the listing under sub. (2),  
25 whichever is earlier.

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

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

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

8 19.35 (1) (am) 2m. The actual address, as defined in s. 165.68 (1) (b), of a  
9 participant in the program established in s. 165.68. *confidentiality*

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

11 **66.0504 Address security program.** (1) DEFINITIONS. In this section:

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

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

- 15 1. A county clerk under s. 59.23.
- 16 2. A clerk of court under s. 59.40.
- 17 3. A municipal clerk as defined in s. 5.02 (10).
- 18 4. A register of deeds under s. 59.43.

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

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

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

4  
Confidentiality

1 SECTION 7. 165.68 of the statutes is created to read:

2 **165.68 Address security program. (1) DEFINITIONS.** In this section:

3 (a) "Abuse" means an act or threat of any of the following:

4 1. Child abuse under ss. 813.122 (1) (a) or 948.02 to 948.11.

5 2. Domestic abuse, as defined in s. 813.12 (1) (am).

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

7 4. Stalking under s. 940.32.

8 5. Trafficking under s. 940.302.

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

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

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

14 (e) "Mail" means first class letters and flats delivered by the United States  
15 Postal Service, including priority, express, and certified mail. "Mail" does not include  
16 a package, parcel, periodical, or catalogue unless it is clearly identifiable as being  
17 sent by a state or local agency or unit of government or is clearly identifiable as  
18 containing a pharmaceutical or medical item.

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

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

23 1. That he or she is a victim of abuse.

24 2. That he or she is a parent or guardian of a person who is a victim of abuse.

25 3. That he or she is a person who fears for his or her physical safety.

1           4. That he or she is a person who fears for the physical safety of his or her child  
2 or ward.

3           5. That he or she is a resident of a household in which a person described in  
4 subds. 1. to 4. also resides.

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

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

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

15           1. The applicant's name.

16           2. The applicant's actual address.

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

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

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

24           b. A program participant is required to notify the department when he or she  
25 changes his or her actual address or legal name, and failure to update the

1 information may result in the department disenrolling the applicant as a program  
2 participant.

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

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

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

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

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

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

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



**2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2109/lins  
PJH:emw

**INSERT ANALYSIS:**

\* This bill creates a program, administered by the department of justice (DOJ) that keeps the addresses of victims of certain crimes confidential. Under the bill, a person who is a victim, or a parent or guardian of a person who is a victim, of certain acts of abuse, stalking, or human trafficking, or who is in fear for his or her physical safety or that of his or her child or ward, or who resides with any of those persons may participate in the program.

Under the bill, a person who participates in the program submits his or her actual address to DOJ and receives from DOJ an assigned address that the person may use for all personal and official purposes. The bill requires DOJ to forward mail and certain packages it receives at the assigned address to the person at his or her actual address. A person may renew his or her participation in the program every five years, and DOJ may discontinue the person's participation if he or she fails to notify DOJ that his or her address or legal name has changed.

except from The bill requires DOJ to keep the person's actual address confidential, except pursuant to a court order or to a law enforcement officer if the person is suspected of criminal activity. The bill also requires the person's actual address to be kept confidential by municipal and other local governmental clerks and election officials as long as the person is participating in the program. Under the bill, no one may refuse to use the assigned address or require the person to disclose his or her actual address.

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



## Hurley, Peggy

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**From:** Pennoyer, Kara  
**Sent:** Tuesday, November 17, 2015 9:23 AM  
**To:** Hurley, Peggy  
**Cc:** Austin, Michael P - DOJ; Liedl, Kimber; Vicky S. Selkove (VSS@legalaction.org); Tony Gibart  
**Subject:** Changes to Address Confidentiality LRB2109

Hi Peggy!

We would like the following changes made to LRB2109:

- Add WI residency requirement.
- Provide rulemaking guidance in bill for retention and destruction of program records.
- Add language that allows government agencies to use an actual address only as needed for specific bona fide statutory duties (supervision of offenders, required health department notifications, enforcement of sex offender registration, child protection investigations, etc.).
- Add that the applicant must 1) attest to abuse of self/child/ward or other permanent household member and 2) fear for their physical safety.
- Add that the application should include a certification that the department is the designated agent for service of process.
- Require safety planning with an application assistant.
  - Applicant assistants would be DOJ designees and would be employees of a state or local agency, or victim advocates – could use same definition being used in victim accompaniment bill.
  - Examples:
    - [Massachusetts](#)
    - [Oregon](#)
    - [Arizona](#)
    - [Washington](#)
    - [North Carolina](#)
- Require that the victim be located at or planning relocation to an address unknown to the perpetrator.
  - Examples (but please do not include the 90 day requirement):
    - [Kansas](#)
    - [Oregon](#)
    - [Colorado](#)
- Remove annual reporting requirement.
- Effective date – 12 months from enactment.

I am cc'ing Mike at DOJ, Kimber from Sen. Fitzgerald's office, Vicky from Legal Action and Tony from End Abuse WI in case you have questions for us.

Thanks!

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





State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2109/1  
PJH:emw

2  
Mr

2015 BILL

11-24

S.A. ✓  
Xref ✓

1 AN ACT to renumber and amend 6.47 (4); to amend 6.47 (2); and to create 6.47  
2 (1) (am) 5., 6.47 (4) (b), 19.35 (1) (am) 2m., 66.0504 and 165.68 of the statutes;  
3 relating to: creating a program to protect the confidentiality of addresses for  
4 victims of domestic abuse, sexual assault, or stalking.

and requiring the  
exercise of rule-making  
authority

**Analysis by the Legislative Reference Bureau**

This bill creates a program, administered by the Department of Justice (DOJ) that keeps the addresses of victims of certain crimes confidential. Under the bill, a person who is a victim, or a parent or guardian of a person who is a victim, of certain acts of abuse, stalking, or human trafficking, or who is in fear for his or her physical safety or that of his or her child or ward, or who resides with any of those persons may participate in the program.

Under the bill, a person who participates in the program submits his or her actual address to DOJ and receives from DOJ an assigned address that the person may use for all personal and official purposes. The bill requires DOJ to forward mail and certain packages it receives at the assigned address to the person at his or her actual address. A person may renew his or her participation in the program every five years, and DOJ may discontinue the person's participation if he or she fails to notify DOJ that his or her address or legal name has changed.

The bill requires DOJ to keep the person's actual address confidential, except pursuant to a court order or except from a law enforcement officer if the person is suspected of criminal activity. The bill also requires the person's actual address to be kept confidential by municipal and other local governmental clerks and election

**BILL**

officials as long as the person is participating in the program. Under the bill, no one may refuse to use the assigned address or require the person to disclose his or her actual address *without specific statutory authority to do so.*

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

---

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

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

2           6.47 (1) (am) 5. An individual who is a participant in the program established  
3 in s. 165.68.

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

5           6.47 (2) Except as authorized in sub. (8), the board, each municipal clerk, each  
6 agent designated under s. 6.33 (5) (b), and each election official shall withhold from  
7 public inspection under s. 19.35 (1) the name and address of any eligible individual  
8 whose name appears on a poll list or registration list if the individual provides the  
9 municipal clerk with a valid written request to protect the individual's  
10 confidentiality. To be valid, a request under this subsection must be accompanied by  
11 a copy of a protective order that is in effect, an affidavit under sub. (1) (am) 2. that  
12 is dated within 30 days of the date of the request, confirmation from the department  
13 of justice that the person is a program participant, as provided under s. 165.68 (4)  
14 (c), a statement signed by the operator or an authorized agent of the operator of a  
15 shelter that is dated within 30 days of the date of the request and that indicates that  
16 the operator operates the shelter and that the individual making the request resides  
17 in the shelter, or a statement signed by an authorized representative of a domestic  
18 abuse victim service provider or a sexual assault victim service provider under sub.  
19 (1) (am) 4. that is dated within 30 days of the date of the request. A physically

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1 disabled individual who appears personally at the office of the municipal clerk  
2 accompanied by another elector of this state may designate that elector to make a  
3 request under this subsection on his or her behalf.

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

6 6.47 (4) (a) Except as provided in par. (b) and sub. (5), a confidential listing  
7 under sub. (2) expires on the date that a protective order expires, the date that the  
8 protected individual ceases to reside in a shelter, the date that updated information  
9 is received from a sheriff, the chief of a police department, or a district attorney or  
10 the authorized representative of a sheriff, chief, or district attorney, or at the end of  
11 the 24-month period that follows creation or renewal of the listing under sub. (2),  
12 whichever is earlier.

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

14 6.47 (4) (b) A confidential listing under sub. (2) that is issued to a program  
15 participant expires on the date the individual's participation in the program expires  
16 pursuant to s. 165.68 (3) (b) 4. a. or on the date the individual cancels his or her  
17 participation in the program pursuant to s. 165.68 (3) (b) 4. e. or is disenrolled from  
18 the program pursuant to s. 165.68 (3) (b) 4. b.

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

20 19.35 (1) (am) 2m. The actual address, as defined in s. 165.68 (1) (b), of a  
21 participant in the program established in s. 165.68.

22 **SECTION 6.** 66.0504 of the statutes is created to read:

23 **66.0504 Address confidentiality program. (1) DEFINITIONS.** In this section:

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

**BILL**

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

- 3 1. A county clerk under s. 59.23.
- 4 2. A clerk of court under s. 59.40.
- 5 3. A municipal clerk as defined in s. 5.02 (10).
- 6 4. A register of deeds under s. 59.43.

7 (c) "Program participant" has the meaning given in s. 165.68 (1) <sup>g</sup>(f).

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

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

14 **SECTION 7.** 165.68 of the statutes is created to read:

15 **165.68 Address confidentiality program. (1) DEFINITIONS.** In this section:

16 (a) "Abuse" means an act or threat of any of the following:

- 17 1. Child abuse under ss. 813.122 (1) (a) or 948.02 to 948.11.
- 18 2. Domestic abuse, as defined in s. 813.12 (1) (am).
- 19 3. Sexual abuse, as defined in s. 103.10 (1m) (b) 6.
- 20 4. Stalking under s. 940.32.
- 21 5. Trafficking under s. 940.302.

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

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

**BILL**

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

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

Insert  
S.B.

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

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

10

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

Insert  
S.B.

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

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

**BILL**

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 that  
7 employs a person who committed an act of abuse against the applicant.

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

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

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

6.1b insert

17 ~~c.~~ 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.~~ The department will notify a program participant if his or her participation  
20 will expire or if the department will disenroll the participant under subd. 4. b. A  
21 program participant who receives a notification under this subd. 4. ~~d.~~ <sup>e.</sup> may update  
22 his or her information or may reenroll in the program within 6 months from the date  
23 the department issues the notification.

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

Insert  
6.25

**BILL**

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

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

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

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

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

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

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

Insert 7.23



**BILL**

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.

**SECTION 8. Effective date.**

9  
 10 (1) This act takes effect on the first day of the 7th month beginning after  
 11 publication.

12th

12 (END)

Insert 88

**2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2109/2ins  
PJH:emw

1           INSERT 5.6:

2           (f) "Program assistant" means an individual designated by the department to  
3 assist a program participant. The department may designate as a program assistant  
4 an employee of the department or of a state or local agency that provides counseling,  
5 assistance, or support services to victims, or an employee of or a volunteer for an  
6 organization that provides counseling, assistance, or support services free of charge  
7 to victims.

8           INSERT 5.17:

- 9           1. That he or she is a resident of this state.
- 10           2. That he or she is a victim of abuse, a parent or guardian of a person who is  
11 a victim of abuse, or a resident of a household in which a victim of abuse also resides.
- 12           3. That he or she fears for his or her physical safety or for the physical safety  
13 of his or her child or ward.
- 14           4. That he or she resides or will reside at a location in this state that is not  
15 known by an abuser or potential abuser of him or her or of his or her child or ward.
- 16           5. That he or she will not disclose his or her actual address to the abuser or  
17 potential abuser.

18           INSERT 6.16:

19           c. A program participant is required to develop a safety plan with a program  
20 assistant.

21           INSERT 6.25:

22           e. A program participant certifies the department to be the program  
23 participant's designated agent for service of process.

1           INSERT 7.23:

2           , unless a specific statutory duty requires the agency or unit of government to  
3 use the participant's actual address.

4           INSERT 8.8:

*RULES* (C)

5           (6) The department shall promulgate rules regarding the retention and  
6 destruction of applications, records, and other documents received or generated  
7 under this section.

## Hurley, Peggy

---

**From:** Pennoyer, Kara  
**Sent:** Thursday, December 03, 2015 11:20 AM  
**To:** Hurley, Peggy  
**Cc:** Gau, Maggie  
**Subject:** Fwd: Address Confidentiality Co-sponsorship memo  
**Attachments:** ~WRD172.jpg

Hi Peggy,

I'm sorry to do this but DOJ came back to us with a few suggested changes to the bill.

Can you make the following changes to the senate and assembly versions? Is there any way we could get this by the end of today or tomorrow? We're hoping to circulate this week.

Let me know - thank you!

If you have any questions, shoot me an email. I'm working sick from home and don't have much of a voice.

Thanks!

Kara Pennoyer  
Office of Senator Jennifer Shilling  
[Kara.Pennoyer@legis.wi.gov](mailto:Kara.Pennoyer@legis.wi.gov)

Begin forwarded message:

**From:** "Austin, Michael P" <[austinmp@doj.state.wi.us](mailto:austinmp@doj.state.wi.us)>  
**Date:** December 3, 2015 at 9:16:55 AM CST  
**To:** "Pennoyer, Kara" <[Kara.Pennoyer@legis.wisconsin.gov](mailto:Kara.Pennoyer@legis.wisconsin.gov)>  
**Subject:** RE: Address Confidentiality Co-sponsorship memo

I hope you feel better and sorry for the delay, it has been a hectic week.

**On the bill there are few things that still need to be addressed:**

-The application form must have: "a place for the applicant to identify any law enforcement agency that employs a person who committed an act of abuse against the applicant." I get why you put that in there but perhaps that should be broadened to identify "any government agency that employs a person who committed an act of abuse." It seems weird to single out law enforcement because other public agencies might gain access to the address if there is a bona fide statutory reason for getting it.

-We would like the creation of rules to include rules about program administration, in addition to records retention. There are a number of details that will need to get addressed. For example, how to designate a person that does the safety training, transferring school records, verifying address for school transportation, affidavit forms for private companies, etc.

I know there has been an issue with utilities in other states. I don't know if that is unique to those states or if we'd have a problem here but again that's another example of something that we could address through rules.

-The definition of abuser or potential abuser seems worded to loosely. Would you be open to the person or persons causing the threat?

-Lastly, the eligibility requirements now are "all of the following" which we could loosen and create some "ors" for parts of those. It probably will be fine but we could come up with a new structure if desired.

## Hurley, Peggy

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**From:** Austin, Michael P <austinmp@doj.state.wi.us>  
**Sent:** Thursday, December 03, 2015 4:36 PM  
**To:** Hurley, Peggy; Pennoyer, Kara  
**Cc:** Gau, Maggie  
**Subject:** RE: Address Confidentiality Co-sponsorship memo

Yeah, that'll work. Just want the authority to make emergency rules so that we can if we need to we can which we probably will. Thanks.

---

**From:** Hurley, Peggy [mailto:Peggy.Hurley@legis.wisconsin.gov]  
**Sent:** Thursday, December 03, 2015 4:32 PM  
**To:** Austin, Michael P; Pennoyer, Kara  
**Cc:** Gau, Maggie  
**Subject:** RE: Address Confidentiality Co-sponsorship memo

Here is some language used in other bills to allow rules to be promulgated as emergency rules. Is this what you want added?

“The department may use the emergency rule procedures under s. 227.24 to promulgate the rules required under subs. 1. and 2. Notwithstanding s. 227.24 (1) (a) and (3), the department may promulgate those rules as emergency rules without providing evidence that promulgating those rules as emergency rules is necessary to preserve the public peace, health, safety, or welfare and without a finding of emergency. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., the department is not required to prepare a statement of the scope of those rules or to submit those rules in final draft form to the governor for approval. “

---

**From:** Austin, Michael P [mailto:austinmp@doj.state.wi.us]  
**Sent:** Thursday, December 03, 2015 4:16 PM  
**To:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>; Pennoyer, Kara <Kara.Pennoyer@legis.wisconsin.gov>  
**Cc:** Gau, Maggie <Maggie.Gau@legis.wisconsin.gov>  
**Subject:** RE: Address Confidentiality Co-sponsorship memo

3. I think so. Can we specifically add emergency rule authority too? Having that specifically in there is helpful to move things along.
4. Looks good.
5. See attached scan for a suggestion. There certainly could be cleaner ways at doing it.

---

**From:** Hurley, Peggy [mailto:Peggy.Hurley@legis.wisconsin.gov]  
**Sent:** Thursday, December 03, 2015 12:22 PM  
**To:** Pennoyer, Kara  
**Cc:** Gau, Maggie; Austin, Michael P  
**Subject:** RE: Address Confidentiality Co-sponsorship memo

No problem. I'll be around all day, so I can make the changes quickly when all is finalized.

---

**From:** Pennoyer, Kara  
**Sent:** Thursday, December 03, 2015 12:11 PM  
**To:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>  
**Cc:** Gau, Maggie <Maggie.Gau@legis.wisconsin.gov>; Austin, Michael P - DOJ <austinmp@doj.state.wi.us>  
**Subject:** Re: Address Confidentiality Co-sponsorship memo

Thanks Peggy.

1. Yes, that looks good.
2. Yes.
3. I think this is taken care of. Mike?
4. Mike - are you comfortable with Peggy's suggestion?
5. Mike can hopefully answer this one.

Thanks!

Kara Pennoyer  
Office of Senator Jennifer Shilling  
[Kara.Pennoyer@legis.wi.gov](mailto:Kara.Pennoyer@legis.wi.gov)

On Dec 3, 2015, at 11:48 AM, Hurley, Peggy <[Peggy.Hurley@legis.wisconsin.gov](mailto:Peggy.Hurley@legis.wisconsin.gov)> wrote:

Ok thank you. A few of these seem to be open questions to you, so I am not sure how to proceed.

1. Do you want to change, on page 6, line 13, the language to read "A place for the applicant to identify any ~~law-enforcement~~ state or local government agency that employs a person who committed an act of abuse against the applicant" ?
2. I can add, on page 8, line 17 of the bill, language that requires DOJ to promulgate rules "regarding the administration of the program established under this section and regarding the retention and destruction of ... Is that language acceptable to you?
3. Does the language regarding rules regarding the administration of the program take care of the utilities issue? Mike suggests that it could be taken care of via rule-making, but I am not sure if you need something more specific.
4. The language suggested is still a little loose. I could replace, on page 5, line 23, the words "abuser or potential abuser of him or her or of his or child or ward" with "the person who committed abuse against, or who threatens, the applicant or his or her child or ward. I could make that same replacement on page 5, lines 24 & 25. Your thoughts?
5. Mike seems to be suggesting changing, on page 5, line 16, the eligibility requirements from "all of the following" to "any of the following". That seems broad, in that a person would merely need to be a resident of the state to qualify. He suggests that some of the eligibility requirements may be better suited to an "or," but doesn't indicate which ones. Your thoughts?

Peggy

**From:** Pennoyer, Kara  
**Sent:** Thursday, December 03, 2015 11:29 AM  
**To:** Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov>  
**Cc:** Gau, Maggie <Maggie.Gau@legis.wisconsin.gov>  
**Subject:** Re: Address Confidentiality Co-sponsorship memo

Thanks Peggy. DOJ requested these changes. Feel free to reach out to Mike Austin at DOJ directly if you have questions for him.

**On the bill there are few things that still need to be addressed:**

-The application form must have: “a place for the applicant to identify any law enforcement agency that employs a person who committed an act of abuse against the applicant.” I get why you put that in there but perhaps that should be broadened to identify “any government agency that employs a person who committed an act of abuse.” It seems weird to single out law enforcement because other public agencies might gain access to the address if there is a bona fide statutory reason for getting it.

-We would like the creation of rules to include rules about program administration, in addition to records retention. There are a number of details that will need to get addressed. For example, how to designate a person that does the safety training, transferring school records, verifying address for school transportation, affidavit forms for private companies, etc.

I know there has been an issue with utilities in other states. I don't know if that is unique to those states or if we'd have a problem here but again that's another example of something that we could address through rules.

-The definition of abuser or potential abuser seems worded to loosely. Would you be open to the person or persons causing the threat?

-Lastly, the eligibility requirements now are “all of the following” which we could loosen and create some “ors” for parts of those. It probably will be fine but we could come up with a new structure if desired.

Kara Pennoyer  
Office of Senator Jennifer Shilling  
[Kara.Pennoyer@legis.wi.gov](mailto:Kara.Pennoyer@legis.wi.gov)

On Dec 3, 2015, at 11:22 AM, Hurley, Peggy <Peggy.Hurley@legis.wisconsin.gov> wrote:

**On the bill there are few things that still need to be addressed:**

-The application form must have: “a place for the applicant to identify any law enforcement agency that employs a person who committed an act of abuse against the applicant.” I get why you put that in there but perhaps that should be broadened to identify “any government agency that employs a person who committed an act of abuse.” It seems weird to single out law enforcement because other public agencies might gain access to the address if there is a bona fide statutory reason for getting it.



-We would like the creation of rules to include rules about program administration, in addition to records retention. There are a number of details that will need to get addressed. For example, how to designate a person that does the safety training, transferring school records, verifying address for school transportation, affidavit forms for private companies, etc.

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State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2109/2

PJH:emw

twj  
mr

2015 BILL

1  
2  
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4  
5

*Regan*  
AN ACT *to renumber and amend* 6.47 (4); *to amend* 6.47 (2); and *to create* 6.47

(1) (am) 5., 6.47 (4) (b), 19.35 (1) (am) 2m., 66.0504 and 165.68 of the statutes;

**relating to:** creating a program to protect the confidentiality of addresses for  
victims of domestic abuse, sexual assault, or stalking; *providing an exemption from emergency rule*  
and requiring the exercise  
of rule-making authority.

*procedures;*

***Analysis by the Legislative Reference Bureau***

This bill creates a program, administered by the Department of Justice (DOJ) that keeps the addresses of victims of certain crimes confidential. Under the bill, a person who is a victim, or a parent or guardian of a person who is a victim, of certain acts of abuse, stalking, or human trafficking, or who is in fear for his or her physical safety or that of his or her child or ward, or who resides with any of those persons may participate in the program.

Under the bill, a person who participates in the program submits his or her actual address to DOJ and receives from DOJ an assigned address that the person may use for all personal and official purposes. The bill requires DOJ to forward mail and certain packages it receives at the assigned address to the person at his or her actual address. A person may renew his or her participation in the program every five years, and DOJ may discontinue the person's participation if he or she fails to notify DOJ that his or her address or legal name has changed.

The bill requires DOJ to keep the person's actual address confidential, except pursuant to a court order or except from a law enforcement officer if the person is

**BILL**

suspected of criminal activity. The bill also requires the person's actual address to be kept confidential by municipal and other local governmental clerks and election officials as long as the person is participating in the program. Under the bill, no one may refuse to use the assigned address or require the person to disclose his or her actual address without specific statutory authority to do so.

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

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

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

2           6.47 (1) (am) 5. An individual who is a participant in the program established  
3 in s. 165.68.

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

5           6.47 (2) Except as authorized in sub. (8), the board, each municipal clerk, each  
6 agent designated under s. 6.33 (5) (b), and each election official shall withhold from  
7 public inspection under s. 19.35 (1) the name and address of any eligible individual  
8 whose name appears on a poll list or registration list if the individual provides the  
9 municipal clerk with a valid written request to protect the individual's  
10 confidentiality. To be valid, a request under this subsection must be accompanied by  
11 a copy of a protective order that is in effect, an affidavit under sub. (1) (am) 2. that  
12 is dated within 30 days of the date of the request, confirmation from the department  
13 of justice that the person is a program participant, as provided under s. 165.68 (4)  
14 (c), a statement signed by the operator or an authorized agent of the operator of a  
15 shelter that is dated within 30 days of the date of the request and that indicates that  
16 the operator operates the shelter and that the individual making the request resides  
17 in the shelter, or a statement signed by an authorized representative of a domestic  
18 abuse victim service provider or a sexual assault victim service provider under sub.

**BILL**

1 (1) (am) 4. that is dated within 30 days of the date of the request. A physically  
2 disabled individual who appears personally at the office of the municipal clerk  
3 accompanied by another elector of this state may designate that elector to make a  
4 request under this subsection on his or her behalf.

5 **SECTION 3.** 6.47 (4) of the statutes is renumbered 6.47 (4) (a) and amended to  
6 read:

7 6.47 (4) (a) Except as provided in par. (b) and sub. (5), a confidential listing  
8 under sub. (2) expires on the date that a protective order expires, the date that the  
9 protected individual ceases to reside in a shelter, the date that updated information  
10 is received from a sheriff, the chief of a police department, or a district attorney or  
11 the authorized representative of a sheriff, chief, or district attorney, or at the end of  
12 the 24-month period that follows creation or renewal of the listing under sub. (2),  
13 whichever is earlier.

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

15 6.47 (4) (b) A confidential listing under sub. (2) that is issued to a program  
16 participant expires on the date the individual's participation in the program expires  
17 pursuant to s. 165.68 (3) (b) 4. a. or on the date the individual cancels his or her  
18 participation in the program pursuant to s. 165.68 (3) (b) 4. e. or is disenrolled from  
19 the program pursuant to s. 165.68 (3) (b) 4. b.

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

21 19.35 (1) (am) 2m. The actual address, as defined in s. 165.68 (1) (b), of a  
22 participant in the program established in s. 165.68.

23 **SECTION 6.** 66.0504 of the statutes is created to read:

24 **66.0504 Address confidentiality program. (1) DEFINITIONS.** In this section:

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

**BILL****SECTION 6**

1 (b) “Local clerk” means an individual, and an individual’s deputy or assistant,  
2 who serves as one of the following:

- 3 1. A county clerk under s. 59.23.
- 4 2. A clerk of court under s. 59.40.
- 5 3. A municipal clerk as defined in s. 5.02 (10).
- 6 4. A register of deeds under s. 59.43.

7 (c) “Program participant” has the meaning given in s. 165.68 (1) (g).

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

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

14 **SECTION 7.** 165.68 of the statutes is created to read:

15 **165.68 Address confidentiality program. (1) DEFINITIONS.** In this section:

16 (a) “Abuse” means an act or threat of any of the following:

- 17 1. Child abuse under ss. 813.122 (1) (a) or 948.02 to 948.11.
- 18 2. Domestic abuse, as defined in s. 813.12 (1) (am).
- 19 3. Sexual abuse, as defined in s. 103.10 (1m) (b) 6.
- 20 4. Stalking under s. 940.32.
- 21 5. Trafficking under s. 940.302.

22 (b) “Actual address” means the residential street address, school address, or  
23 work address of a program participant.

24 (c) “Assigned address” means an address designated by the department and  
25 assigned to a program participant.

**BILL**

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

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

7 (f) "Program assistant" means an individual designated by the department to  
8 assist a program participant. The department may designate as a program assistant  
9 an employee of the department or of a state or local agency that provides counseling,  
10 assistance, or support services to victims, or an employee of or a volunteer for an  
11 organization that provides counseling, assistance, or support services free of charge  
12 to victims.

13 (g) "Program participant" means a person who is certified by the department  
14 to participate in the confidentiality program established in this section.

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

17 1. That he or she is a resident of this state.  
18 2. That he or she is a victim of abuse, a parent or guardian of a person who is  
19 a victim of abuse, or a resident of a household in which a victim of abuse also resides.

20 3. That he or she fears for his or her physical safety or for the physical safety  
21 of his or her child or ward.

22 4. That he or she resides or will reside at a location in this state that is not  
23 known by an abuser or potential abuser of him or her or of his or her child or ward.

24 5. That he or she will not disclose his or her actual address to the abuser or  
25 potential abuser.

at least one of the following applies: a. He

the person who committed the abuse against, or who threatens, the applicant or

person who committed the abuse against, or who threatens, the applicant or his or her child or ward

**BILL**

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

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

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

11 1. The applicant's name.  
12 2. The applicant's actual address.  
13 3. A place for the applicant to identify any state or local government law enforcement agency that  
14 employs a person who committed an act of abuse against the applicant.

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

17 a. A program participant remains enrolled in the program for 5 years, unless  
18 he or she cancels his or her participation under subd. 4. f. or is disenrolled under  
19 subd. 4. b.

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

24 c. A program participant is required to develop a safety plan with a program  
25 assistant.

**BILL**

1           d. A program participant authorizes the department to notify state or local  
2 agencies and units of government that the applicant is a program participant.

3           e. The department will notify a program participant if his or her participation  
4 will expire or if the department will disenroll the participant under subd. 4. b. A  
5 program participant who receives a notification under this subd. 4. e. may update his  
6 or her information or may reenroll in the program within 6 months from the date the  
7 department issues the notification.

8           f. A program participant may cancel his or her participation in the program at  
9 any time by submitting a written notice to the department.

10          g. A program participant certifies the department to be the program  
11 participant's designated agent for service of process.

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

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

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

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



**BILL****SECTION 7**

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

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

8           (b) No state or local agency or unit of government may refuse to use a program  
9 participant's assigned address for any official business, unless a specific statutory  
10 duty requires the agency or unit of government to use the participant's actual  
11 address. A state or local agency or unit of government may confirm with the  
12 department a person's status as a program participant.

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

17           **(6) RULES.** The department shall promulgate rules regarding the retention and  
18 destruction of applications, records, and other documents received or generated  
19 under this section. *Insert*

20           **SECTION 8. Effective date.**

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

23           **(END)**

*the administration of  
the program established  
under this section and  
regarding*

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

2109  
LRB-3985/ins  
PJH:emw

Insert:

The department may use the emergency rule procedures under s. 227.24 to promulgate the rules required under this paragraph <sup>or subsection</sup>. Notwithstanding s. 227.24 (1) (a) and (3), the department may promulgate those rules as emergency rules without providing evidence that promulgating those rules as emergency rules is necessary to preserve the public peace, health, safety, or welfare and without a finding of emergency. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., the department is not required to prepare a statement of the scope of those rules or to submit those rules in final draft form to the governor for approval.

**Parisi, Lori**

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**From:** Pennoyer, Kara  
**Sent:** Thursday, December 10, 2015 3:49 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2109/3

Please Jacket LRB -2109/3 for the SENATE.