



CHRIS TAYLOR

STATE REPRESENTATIVE ♦ 76th ASSEMBLY DISTRICT

**Testimony of Rep. Chris Taylor
Assembly Bill 865**

January 25th, 2018

Chairman Spiros & Members of the Criminal Justice & Public Safety Committee:

Thank you for holding a public hearing on Assembly Bill 865, and for the opportunity to testify. AB 865 makes a few changes to Wisconsin's "Safe at Home" program, which was passed on a unanimous, bipartisan basis last session.

The Safe at Home program helps victims of domestic abuse, stalking or human trafficking protect their address and make sure it remains unknown to their abuser by creating an Address Confidentiality Program within the Department of Justice (DOJ). In the program's first six months over 203 participants enrolled.

AB 865 makes the following changes to the Safe at Home program:

- 1) To address concerns that disclosing a participants' municipality of residence would allow an abuser to easily find them, the bill expands the confidentiality program to include any part of the address.
- 2) Due to situations where participants' addresses have been disclosed intentionally, the bill makes intentional disclosure of confidential information under the program a misdemeanor.
- 3) To allow a participant to purchase property without having his or her name and address released, the bill allows DOJ to act as the registered agent and office for a single-member LLC if the member is enrolled in the address confidentiality program.
- 4) At the request of participants and program staff, the bill instructs DOJ to promulgate rules allowing a participant to consent to disclosure of his or her actual address by DOJ or another entity if such a disclosure is required for a public assistance program or a real property transaction.
- 5) At the request of the Safe at Home program, the bill allows DOJ to disenroll a program participant at any time that DOJ determines that the program participant no longer meets the eligibility criteria.

Our offices worked closely with the Department of Justice, Legal Action of Wisconsin and End Domestic Abuse Wisconsin in crafting this bill to address Safe at Home improvements.

This is a straightforward bill with bipartisan support, and I'm hopeful you will support it.

Sincerely,

Representative Chris Taylor
76th Assembly District



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**Prepared Testimony of
Erin Welsh, Director of Safe at Home, Wisconsin Department of Justice
in support of Assembly Bill 865
Assembly Committee on Criminal Justice and Public Safety
January 25, 2018**

Good morning. My name is Erin Welsh and I'm the director of Safe at Home, Wisconsin's address confidentiality program, which is administered by the Office of Crime Victim Services at the Wisconsin Department of Justice. I appreciate your time this morning and for the opportunity to speak in support of Assembly Bill 865, which makes some changes to the administration of Safe at Home from a programmatic perspective, but more importantly, provides Safe at Home participants with stronger, more meaningful protections under the law.

Safe at Home has been available as a safety planning tool for victims of acts or threats of abuse and for those who fear for their physical safety since April of 2017. Enrollment in Safe at Home allows victims to keep their actual home, work, or school address confidential by providing them with a legal substitute address to be used for both public and private purposes. In just over 9 months, we have enrolled 317 participants from 149 households in 38 counties statewide; just over half of participants are children. In our first few months, we have strived to be accessible to those in need of our services by designating victim advocates in all 72 counties to serve as Safe at Home Application Assistants. Those individuals provide personalized safety planning to each Safe at Home participant. With the help of these advocates, Safe at Home has worked with each program participant to navigate the use of the assigned address we provide and to redact their confidential address.

Safe at Home also acts as a mail forwarding service for abuse victims. But as the last 9 months have shown, Safe at Home serves as so much more for participants. On a regular, if not daily, basis my staff and I:

- Work with our partners at the DMV to redact all address information from driver records while maintaining information necessary to assess appropriate local taxes;
- Work with local school districts to facilitate the transfer of student records while keeping the new location and address confidential;
- Define protocol with the US Department of State by which a Safe at Home assigned address may be properly used on a passport;

- Assist local housing authorities to verify rental and credit history without revealing a participant's actual address, allowing that person to remain a safe distance from their abuser;

And, unfortunately, it is sometimes making the frustrating call to individuals who have knowingly disclosed a participant's actual address as a way to further harass and control them.

This brings me to the proposed changes to current law in Assembly Bill 865. The provisions included reflect an area where we can provide greater security for Safe at Home participants, clarify program eligibility criteria, facilitate participants' financial independence from their abusers, and hold offenders accountable.

We can provide greater security for Safe at Home participants by expanding the definition of "actual address" to include "any portion" of that address. Under current law, disclosure of a participant's county, municipality, or zip code may be allowable, as long as the full street address is not disclosed. For participants living in certain rural areas of our state, disclosure of a county, municipality, or zip code makes finding the participant a mere matter of time. For example, if a Safe at Home participant discovers that her abuser was made aware by a third-party that she "lives near the courthouse," that participant's abuser would only need to determine the county in which she resides to render the protections of this program useless. Expanding the definition of "actual address" to include "any portion" of a participant's address clarifies expectations under the law and offers broader protection for participants who wish to keep their location, not just their address, confidential.

This bill also clarifies for participants the expectation that they maintain the eligibility requirements needed to initially enroll in the program for the duration of their enrollment. I appreciate that inadvertent disclosure of an actual address by a child in common, a mutual friend, or another third-party may occur. As a victim service program, I want to be clear that Safe at Home is committed to assisting participants in any way possible to remain in the program while they relocate and update safety plans.

Under this bill, two additional provisions would support participants' financial independence from their abusers by offering greater address protections during the home buying process. By authorizing the Department of Justice to act as a Safe at Home participant's registered agent and registered office for the creation of a single-member LLC, this bill would create a pathway to safer home ownership whereby participants could choose to title their home under an LLC without tying themselves to the property via publicly searchable records. Creating the authority for the Department of Justice to act as a registered agent and registered office for such an LLC would entail similar responsibilities to what the Department already does in acting as a participant's designated agent for service of process. This bill would also allow participants, upon their direct consent, to allow Safe at Home to disclose their actual address for the limited purpose of facilitating the sale of a home, thus removing an unintended barrier to leaving an unsafe location while enrolled in the program.

Lastly, this bill gives teeth to the Safe at Home law by providing a criminal penalty for intentional disclosure of a participant's actual address. We ask Safe at Home participants to give up a lot of life's conveniences and to put in the effort to ensure that the protections promised by this program work as intended. To not hold those who intentionally disclose a participant's actual address

accountable undermines the intent of the original Safe at Home law. As the director of Safe at Home, I am invested in making sure that participants in this program have meaningful protections and remedies under the law.

For these reasons, I am asking for your support for Assembly Bill 865. Thank you again for your time and consideration of my testimony. I am happy to answer any questions you may have.

If you have any further questions, please contact Lane Ruhland, Director of Government Affairs at ruhlandle@doj.state.wi.us or (608) 640-7203.

EQUAL JUSTICE UNDER THE LAW

LEGAL Action
OF WISCONSIN

To: Members, Assembly Committee on Criminal Justice & Public Safety
From: Attorney Vicky Selkove, Legislative Director, Legal Action of Wisconsin
Re: Assembly Bill 865, Improvements to the Safe at Home Program
Date: January 25, 2018

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, sexual assault, trafficking, and other violence. Our clients need legal representation in order to obtain divorces, establish custody orders, and safely enforce child support.

We appreciate all the work done two years ago to create Wisconsin's Safe at Home program, in particular the leadership of Senator Fitzgerald, Senator Shilling, Representative Kleefisch, Representative Taylor, and the staff at the Department of Justice who moved swiftly to create and implement this program.

Since the program's launch last March, our family law attorneys have reported that numerous clients have been assisted by the program. For example:

- One of our clients used the program during her abuser's criminal case, when we were assisting her with victim advocacy and crime victim compensation. Having the protection provided by the Safe at Home program helped her feel more confident about pursuing her right to crime victim compensation and to feel an additional measure of safety during a period of uncertainty and fear.
- Another recent client, who we are assisting with a divorce from a violent and abusive husband, has also found the Safe at Home program gives her an additional layer of protection. Her husband had taken her phone away, held her at knifepoint for hours, and threatened to kill her and her family. She wanted to disappear, and she has expressed that the Safe at Home program has given her another tool to use in her safety planning and made her feel better about her safety.
- We also recently assisted a low-income client who was applying for a disability related discharge of her student loans. She knew she was eligible for the student loan relief, but also knew that if she filled out the forms, her address would show up on her credit report and her ex-husband had looked at her credit reports in the past to try to find her. She was excited to learn of the Safe at Home program because it would give her a safe way to protect her address and access much-needed economic security.

AB 865 builds on the early successes of the Safe at Home Program and will improve the program's effectiveness for future participants. We particularly believe our clients will benefit from the criminal penalty added to the bill as a deterrent to anyone intentionally disclosing a participant's actual address. Safe at Home is a cost-effective, straightforward, and very necessary way of allowing survivors of domestic violence, stalking, and trafficking to keep their residential addresses confidential. AB 865's improvements to the program will continue to help survivors as they rebuild their lives after escaping abusive situations and relationships, and allow them an additional measure of safety as they reengage with their communities.

Thank you for this opportunity to testify on AB 865. Please do not hesitate to contact me if you have additional questions. I can be reached at (608) 620-2011 or VSS@legalaction.org.

testimony



To: Assembly Committee on Criminal Justice and
Public Safety
Date: January 25, 2018
From: Chase Tarrier, Public Policy Coordinator
Re: Support of AB 865

End Domestic Abuse WI
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chaset@endabusewi.org

Dear Chairman Spiros and members of the Assembly Committee on Criminal Justice and Public Safety,

Thank you for the opportunity to provide testimony regarding Assembly Bill 865 (AB 865), which makes certain changes to the Address Confidentiality program administered by the Department of Justice (DOJ). End Domestic Abuse WI (End Abuse) is the statewide voice for survivors of domestic violence and the membership organization representing local domestic violence victim service providers throughout the state. We are supportive of AB 865 and respectfully urge the Committee members to approve its passage.

Survivors who are interested in acquiring a confidential address typically have moved more than once to escape an abuser and have endured repeated upheavals in attempts simply to remain safe. Since the passage of 2015 Wisconsin Act 356, which established the Address Confidentiality program (often referred to as the Safe at Home program) in current law, it has proven to be an extremely important tool for victims of very severe stalking, abuse or harassment who will never feel safe unless the individual who is threatening them is not allowed to know their whereabouts. In the first six months after it was officially administered by DOJ, over 200 participants enrolled in the program, highlighting just how critical this protection is for survivors all across Wisconsin.

As the program has grown, local victim advocates and survivors utilizing a confidential address have suggested changes to better accommodate program participants. This bill makes several changes to the program based on these suggestions. Specifically, AB 865 expands the confidentiality program to include any part of the address, makes intentional disclosure of confidential information under the program a misdemeanor and allows DOJ to act as the registered agent and office for a single-member LLC in order to allow a participant to purchase property without having his or her name and address released. These changes, among others, are common sense adjustments to the program that will offer additional protections for program participants while streamlining the administrative process for DOJ.

The Safe at Home program has already proven to be a critical, lifesaving service for numerous victims across the state, and the changes outlined in AB 865 will allow DOJ to offer even more protections for survivors in need.

Thank you again for the opportunity to offer testimony today. We appreciate the Committee's thoughtful consideration of our concerns, and respectfully urge you to support this proposal.

Feel free to contact me at chaset@endabusewi.org or 608.237.3985 with any further questions or concerns.