

Senate Bill 324

By: Senators Jackson of the 41st, Dugan of the 30th, Brass of the 28th and Jones II of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state
2 printing and documents, so as to provide for a victim centered address confidentiality
3 program; to provide for application to such program; to provide for designation of
4 confidential addresses; to provide for certification of program participants; to provide for
5 renewal and cancellation of certifications; to provide for disclosures; to provide for real
6 property records; to provide for training; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state printing
11 and documents, is amended by adding a new article to read as follows:

12 "ARTICLE 8

13 50-18-150.

14 As used in this article, the term:

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- 15 (1) 'Confidential address' means a participant's residential address or other address or
16 addresses that could be used to physically locate the participant, including a school
17 attended by the participant or the participant's place of employment.
- 18 (2) 'Designated address' means the publicly available address provided by a participant
19 to the office.
- 20 (3) 'Governmental entity' means:
- 21 (A) Every state department, agency, board, bureau, office, commission, public
22 corporation, and authority;
- 23 (B) Every county, municipal corporation, school district, or other political subdivision
24 of this state;
- 25 (C) Every department, agency, board, bureau, office, commission, authority, or similar
26 body of each such county, municipal corporation, or other political subdivision of the
27 state; and
- 28 (D) Every city, county, regional, or other authority established pursuant to the laws of
29 this state.
- 30 (4) 'Office' means the office of the Secretary of State.
- 31 (5) 'Participant' means an individual who is currently certified to participate in the
32 program pursuant to this article.
- 33 (6) 'Program' means the victim centered address confidentiality program established by
34 this article.
- 35 (7) 'Victim advocate' means an employee or volunteer of the office who serves victims
36 of domestic violence, dating violence, sexual assault, stalking, or human trafficking and
37 who has completed training pursuant to Code Section 50-18-152 to assist individuals in
38 completing applications for the program.

39 50-18-151.

40 (a) There is created within the office of the Secretary of State a victim centered address
41 confidentiality program.

42 (b)(1) Except as otherwise provided in paragraph (2) of this subsection, an individual
43 who is changing his or her residence and who is at least 18 years of age or an
44 emancipated minor may apply to the program, with or without the assistance of a victim
45 advocate, for certification as a participant by the office upon providing an affidavit
46 affirming that the disclosure of his or her actual address or addresses will increase the risk
47 that he or she will be threatened or physically harmed by another person or that he or she
48 has been a victim of domestic violence, dating violence, sexual assault, stalking, or
49 human trafficking.

50 (2) An individual who is the legal parent or court appointed guardian of a minor may
51 apply to the program on behalf of the minor upon providing a sworn affidavit under the
52 penalty of perjury affirming that the disclosure of the minor's actual address or addresses
53 will increase the risk that the minor will be threatened or physically harmed by another
54 person or that the minor has been the victim of domestic violence, dating violence, sexual
55 assault, stalking, or human trafficking and a letter from a victim service provider
56 certifying that an individual or the parent or court appointed guardian of such individual
57 is receiving services related to their victimization. The letter need not describe such
58 services in detail.

59 (c) In order to be certified as a participant in the program, an individual shall submit to the
60 office an application containing:

61 (1) The full legal name and date of birth of the individual;

62 (2) A knowing and voluntary designation of the office as the individual's agent for the
63 purposes of receiving mail and service of process;

64 (3) The mailing address, telephone number, and email address, if applicable, at which
65 the office may contact the individual;

- 66 (4) An acknowledgment that the individual is requesting that his or her confidential
67 address not be disclosed;
- 68 (5) The signature of the individual, the name and signature of the parent or legal
69 guardian or victim advocate who assisted the individual, if applicable, and the date the
70 application was signed;
- 71 (6) At the discretion of the office, an option for the individual to select the type of
72 offense the individual believes warrants the need for participation in the program. The
73 office may not consider information provided or withheld pursuant to this paragraph as
74 certifying the participant; and
- 75 (7) A letter from a victim service provider indicating that they are receiving services
76 related to their victimization.
- 77 (d) Upon receipt of an application in compliance with subsection (c) of this Code section,
78 the office shall:
- 79 (1) Certify the individual as a participant;
- 80 (2) Issue the participant an address confidentiality card containing the name of and a
81 unique identification number for the participant and the designated address of the
82 participant;
- 83 (3) Classify each eligible address listed in the application as a confidential address;
- 84 (4) Provide the participant with information concerning the manner in which the
85 participant may use the office as the agent of the participant for the purposes of receiving
86 mail and service of process; and
- 87 (5) Provide the participant with information regarding methods to protect a confidential
88 address, including, but not limited to, information regarding the risks of disclosing the
89 confidential address to other persons and the risks of using social media and other similar
90 technologies, including geotagging photographs, and other information that the office
91 determines would help the participant protect his or her confidential address. A
92 participant shall update information provided in an application within 30 days after a

93 change to that information has occurred by submitting a notice of change to the office on
94 a form prescribed by the office.

95 (e) A participant's certification shall be valid for four years. A participant who continues
96 to be eligible for the program pursuant to this article may renew the certification of the
97 participant. The renewal application shall be received by the office within 60 days prior
98 to the end of the four-year certification period. The renewal application shall be on a form
99 prescribed by the office and shall meet the requirements of this article. A renewal of
100 certification of a participant shall not alter the unique identification number issued pursuant
101 to subsection (d) of this Code section.

102 (f) If a minor participant will turn 18 years of age while his or her certification remains
103 valid, the office shall mail a certification continuance application to that participant within
104 60 days of his or her eighteenth birthday.

105 (g) The certification continuance application shall be on a form prescribed by the office,
106 shall meet the requirements of this article, and shall inform the participant of his or her
107 right to choose to continue or discontinue in the program. The participant may continue
108 certification after turning 18 years of age by completing the certification continuance
109 application with or without the assistance of a victim advocate.

110 (h) An application submitted pursuant to this article and the information of a participant
111 shall be confidential, shall not be a public record, shall be exempt from disclosure pursuant
112 to Article 4 of Chapter 18 of Title 50 or any similar law, and may only be disclosed as
113 authorized pursuant to this article.

114 (i) An offender who is required to register pursuant to Code Section 42-1-12 shall not be
115 eligible to submit an application and shall not be certified as a participant.

116 (j) A confidential address shall not be a public record and shall be exempt from disclosure
117 pursuant to Article 4 of Chapter 18 of Title 50 or any similar law, except as otherwise
118 provided in this article.

119 (k) A participant may withdraw from the program at any time by providing written notice
120 of such withdrawal to the office.

121 (l) No individual shall apply for certification as a participant with the intent of avoiding
122 prosecution or a lawful court order.

123 (m) The office shall promulgate rules and regulations as necessary to implement the
124 provisions of this article.

125 50-18-152.

126 (a) The office shall develop and offer a training program for victim advocates to obtain
127 certification pursuant to this article. The training program shall, at a minimum, include:

128 (1) Exhaustive information regarding the program;

129 (2) Methods for assisting applicants with completing application forms;

130 (3) Criteria for determining program eligibility;

131 (4) Information to be provided to participants pursuant to subsection (d) of Code Section
132 50-18-151; and

133 (5) Instruction on how to submit completed applications and supporting documents to
134 the office.

135 (b) The office shall certify a person applying for certification as a victim advocate pursuant
136 to this article if that person has completed the training program pursuant to this Code
137 section. The office shall make available on its website contact information for the
138 organizations that have certified victim advocates.

139 50-18-153.

140 (a) Upon a participant providing a copy of his or her address confidentiality card to a
141 governmental entity and requesting that such governmental entity only use his or her
142 designated address, the governmental entity shall only use the participant's designated
143 address.

144 (b) If a participant's employer, or a school or institution of higher education attended by
145 the participant, is not a governmental entity, the participant may request that the employer,
146 school, or institution of higher education use the designated address as the participant's
147 address.

148 (c) A utility owned by a governmental entity shall not release any confidential address.

149 (d) A participant may also use the designated address as the participant's work address.

150 (e) The office on each day that it is open for business shall place all first-class, registered,
151 or certified mail or statutory overnight delivery received on behalf of a participant into an
152 envelope or package and mail such envelope or package to the participant at his or her
153 confidential address. The office may contract with the United States Postal Service for
154 special rates for any mail forwarded pursuant to this subsection. Service by mail pursuant
155 to this subsection of court papers, other than service of process, shall be deemed complete
156 three business days after the office forwards the mail to the participant.

157 (f) If a person intends to serve process on a participant and makes an inquiry with the
158 office to determine if the individual is a participant, the office shall only confirm that the
159 individual is a participant and, except as otherwise allowed pursuant to this article, shall
160 not disclose further information regarding the participant. If process has been forwarded
161 to a participant pursuant to subsection (e) of this Code section, the office shall disclose the
162 date of mailing to the person attempting to serve the participant.

163 50-18-154.

164 (a) The office may, after providing at least 30 days prior written notice to a participant,
165 cancel the certification of a participant in any of the following circumstances:

166 (1) The participant's legal name or contact information changes, unless the participant
167 provides the office with prior written notice of such change;

168 (2) Mail forwarded by the office to the participant's confidential address is returned as
169 undeliverable by the United States Postal Service for 60 or more days;

- 170 (3) The participant is no longer eligible for the program;
171 (4) The participant requests to withdraw from the program pursuant to Code
172 Section 50-18-151;
173 (5) The participant, legal parent, or court appointed guardian files a notarized request for
174 cancellation on a form prescribed by the office;
175 (6) The participant fails to file a renewal application pursuant to Code
176 Section 50-18-151; or
177 (7) The participant fails to file a continuance application pursuant to Code
178 Section 50-18-151 before the participant reaches 19 years of age.
179 (b) The office shall cancel a participant's certification if the participant's renewal
180 application or application for continuance contains false information.
- 181 50-18-155.
- 182 (a) If a participant notifies a governmental entity in writing, on a form prescribed by the
183 office, that he or she is a participant, such entity shall not knowingly disclose the
184 participant's confidential address, unless:
- 185 (1) The confidential address is subject to sharing or dissemination pursuant to court
186 order;
187 (2) The confidential address is subject to sharing or dissemination in connection with an
188 active investigation or inspection of a potential health code, building code, fire code, or
189 local ordinance violation allegedly committed by the participant;
190 (3) The confidential address is needed to provide public assistance or other government
191 services to a participant, or to allocate financial responsibility for such assistance or
192 services;
193 (4) The confidential address is necessary to perform a governmental entity's health,
194 safety, or welfare functions, including the provision of emergency 9-1-1 services, the
195 assessment and investigation of child or vulnerable adult abuse or neglect, or the

196 assessment or inspection of services or locations for compliance with health and safety
197 standards;

198 (5) The confidential address is necessary to aid an active law enforcement investigation
199 of the participant upon verification that the disclosure will aid the law enforcement
200 agency in responding to an emergency situation or a criminal complaint or conducting
201 an investigation; or

202 (6) The person to whom the confidential address is disclosed also resides, is employed
203 at, or goes to school at the confidential address.

204 (b) A confidential address disclosed pursuant to subsection (a) of this Code section may
205 be used only for the purposes authorized in this Code section and may not be further
206 disclosed to any other person or governmental entity. Governmental entities receiving or
207 sharing a confidential address pursuant to this Code section shall establish procedures to
208 protect the confidential address from further disclosure.

209 (c) When a participant presents his or her designated address to any person, such
210 designated address shall be accepted as the address of the participant. The person shall not
211 require the participant to submit any other address either as a substitute address or in
212 addition to the designated address, or as a condition of receiving a service or benefit, unless
213 the service or benefit would be impossible to provide without knowledge of the
214 participant's confidential address.

215 50-18-156.

216 (a) This Code section shall apply when a participant submits a real property notice in
217 writing to the clerk of the superior court in the county where the property identified in the
218 real property notice is located. Such real property notice shall be on a form prescribed by
219 the office, which shall include at a minimum the:

220 (1) Full legal name of the participant, including middle name;

221 (2) Designated address of the participant as assigned by the Secretary of State;

222 (3) Legal description and street address, if any, of the real property affected by the
223 notice;

224 (4) Address of the office; and

225 (5) Signature of the participant.

226 (b) Upon a participant submitting a notice to a clerk of the superior court in compliance
227 with subsection (a) of this Code section, the clerk of the superior court shall disclose
228 neither the participant's identity nor his or her confidential address in conjunction with the
229 property identified in the written notice, unless the:

230 (1) Participant has consented to sharing or dissemination of his or her confidential
231 address for the purpose identified in a writing acknowledged by the participant;

232 (2) Confidential address is subject to sharing or dissemination pursuant to court order;
233 or

234 (3) Office authorizes the sharing or dissemination of the confidential address pursuant
235 to Code Section 50-18-155 for the purpose identified in the authorization.

236 (c) Only one parcel of real property may be included in each notice, but more than one
237 notice may be presented to the clerk of the superior court. The clerk of the superior court
238 may require a participant to provide additional information necessary to identify the
239 records of the participant or the real property described in the notice. A participant shall
240 submit a subsequent real property notice for each parcel of real property if the participant's
241 certification is renewed. The real property notice shall not be a public record, shall be
242 exempt from disclosure pursuant to Article 4 of Chapter 18 of Title 50 or any similar law,
243 and may only be disclosed as authorized pursuant to this article.

244 (d) Nothing in this Code section shall prevent a clerk of the superior court from returning
245 original documents to individuals who submitted the documents for recording. Nothing
246 in this Code section shall prevent the public disclosure of the participant's name and
247 designated address in the county index of the title register. Each clerk of the superior court
248 shall establish procedures for recording or filing documents so as to comply with this Code

249 section. Such procedures may include masking of identity or the location of any
250 confidential address and making documents or certificates of title containing a confidential
251 address private and not viewable except as allowed by this subsection. Such procedures
252 shall provide public notice of the existence of recorded documents and certificates of title
253 that are not publicly viewable and the provisions for viewing them pursuant to this
254 subsection. Notice that a document or certificate of title is private and viewable only
255 pursuant to this subsection is deemed constructive notice of the document or certificate of
256 title.

257 (e) A real property notice is notice only to the clerk of the superior court. A notice that
258 does not conform to the requirements of a real property notice pursuant to this Code section
259 is not effective as a notice to the clerk of the superior court. Upon receipt of a real property
260 notice, the clerk of the superior court shall provide a copy of the notice to the county tax
261 receiver, tax collector, or tax commissioner and provide a copy to the office at the address
262 specified by the office in the notice.

263 (f) This Code section applies only to the records recorded or filed concurrently with the
264 real property notice specified in subsection (a) of this Code section and real property
265 records affecting the same real property recorded subsequent to the county's receipt of the
266 real property notice.

267 (g) The prohibition on disclosure in subsection (b) of this Code section continues until the:

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

270 (2) Participant has consented to sharing or dissemination of his or her identity or
271 confidential address for the purpose identified in a writing acknowledged by the
272 participant;

273 (3) The participant's identity or confidential address is subject to sharing or
274 dissemination pursuant to court order;

275 (4) Office authorizes the sharing or dissemination of the participant's identity or
276 confidential address pursuant to Code Section 50-18-155 for the purpose identified in the
277 authorization;

278 (5) Real property notice is terminated pursuant to a court order;

279 (6) Participant no longer holds an interest in the real property identified in the real
280 property notice; or

281 (7) Office has given written notice to the clerk of the superior court who provided the
282 office with a copy of a participant's real property notice that the participant's certification
283 has terminated. Notification pursuant to this paragraph shall be given by the office within
284 90 days of the termination.

285 (h) Upon termination of the prohibition of disclosure, the clerk of the superior court shall
286 make publicly viewable all documents and certificates of title relative to the participant that
287 were previously private and not viewable.

288 50-18-157.

289 (a)(1) Upon request by an attorney licensed to practice law in Georgia, the office shall
290 share a participant's identity and confidential address in order to facility an attorney's
291 examination of a real property record. The request shall include the:

292 (A) Name, title, mailing address, and affiliated organization, if applicable, of the
293 attorney requesting the confidential address;

294 (B) Purpose for requesting the confidential address;

295 (C) Attorney's relationship, if any, to the participant; and

296 (D) Legal description of the property subject to the title examination and any other
297 information required by the office to respond to the request.

298 (2) The office shall approve or deny a request pursuant to this subsection within two
299 business days and shall immediately notify the participant of its decision.

300 (b) In responding to a request pursuant to subsection (a) of this Code section, the office
301 may affirm in writing that the property subject to the title examination is or is not the
302 property subject to a participant's real property notice. Notwithstanding Code Section
303 50-18-155 or any other law, an attorney examining title may rely conclusively on the
304 information contained in a written affirmation from the office.

305 (c) A participant's identity and confidential address disclosed pursuant to this Code section
306 may be used only for the purposes authorized in this Code section and may not be further
307 disclosed to any other person. A person receiving a participant's confidential address
308 pursuant to this Code section shall establish procedures to protect the confidential address
309 from further disclosure."

310

SECTION 2.

311 All laws and parts of laws in conflict with this Act are repealed.