

HOUSE BILL 1186

D4

5lr2758

By: **Delegates Carter, Anderson, Oaks, Pena–Melnik, B. Robinson, and Rosenberg**
Introduced and read first time: February 23, 2015
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Confidentiality Program – Name of Victim**

3 FOR the purpose of expanding the scope and purpose of the Address Confidentiality
4 Program for victims of domestic violence to include making the legal names of
5 domestic violence victims confidential under certain circumstances; altering the
6 contents of an application for participation in the Program; prohibiting an applicant
7 from participating in the Program if the applicant falsely attests in the application
8 that disclosure of the applicant’s legal name would endanger the applicant’s safety
9 or the safety of the applicant’s child; establishing that an individual who ceases to
10 be a Program participant is responsible for notifying certain persons that a certain
11 substitute name is no longer valid; authorizing a Program participant to make a
12 request to any State or local agency to use a substitute name designated by the
13 Program participant as the Program participant’s name; requiring a State or local
14 agency to use a substitute name as a Program participant’s name under certain
15 circumstances; authorizing a State or local agency that has a certain requirement
16 for using a Program participant’s legal name to apply to the Secretary of State for a
17 waiver from the requirements of the Program; authorizing a State or local agency to
18 use a Program participant’s legal name for certain purposes under certain
19 circumstances; requiring each local board of elections to use a Program participant’s
20 legal name for all election–related purposes; prohibiting a Program participant from
21 using a substitute name for voter registration purposes; prohibiting a local board of
22 elections from making a Program participant’s legal name contained in voter
23 registration records available for public inspection, except under certain
24 circumstances; specifying that a Program participant’s legal name is not a public
25 record under certain circumstances; prohibiting the Secretary from disclosing a
26 Program participant’s legal or substitute name, except under certain circumstances;
27 requiring the Secretary to notify the court of a Program participant’s substitute
28 name under certain circumstances; prohibiting a person from knowingly and
29 intentionally obtaining a Program participant’s legal name without authorization;
30 prohibiting an employee of the Secretary or any agency from knowingly and
31 intentionally disclosing a Program participant’s legal name, except under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 circumstances; making certain conforming changes; and generally relating to
2 domestic violence and the Confidentiality Program.

3 BY repealing and reenacting, with amendments,
4 Article – Family Law
5 Section 4–519 through 4–523 and 4–525 through 4–529 to be under the amended
6 part “Part IV. Confidentiality Program”
7 Annotated Code of Maryland
8 (2012 Replacement Volume and 2014 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article – Family Law
11 Section 4–524 and 4–530
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2014 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Family Law**

17 **Part IV. [Address] Confidentiality Program.**

18 4–519.

19 (a) In this Part IV of this subtitle the following words have the meanings
20 indicated.

21 (b) “Actual address” means a residential street address, school address, or work
22 address of an individual, as specified on the individual’s application to be a Program
23 participant under this part.

24 (c) “Disabled person” has the meaning stated in § 13–101 of the Estates and
25 Trusts Article.

26 (d) “Program” means the [Address] Confidentiality Program.

27 (e) “Program participant” means a person designated as a Program participant
28 under this part.

29 4–520.

30 The purpose of this part is to enable:

31 (1) State and local agencies to respond to requests for public records
32 without disclosing the **NAME OR** location of a victim of domestic violence;

1 (2) interagency cooperation in providing [address] confidentiality for
2 victims of domestic violence; and

3 (3) State and local agencies to accept a Program participant's use of A
4 **NAME DESIGNATED BY A PROGRAM PARTICIPANT AS A SUBSTITUTE NAME OR** an
5 address designated by the Office of the Secretary of State as a substitute address.

6 4-521.

7 The Secretary of State shall establish and administer [an Address] A Confidentiality
8 Program for victims of domestic violence.

9 4-522.

10 (a) Any of the following individuals may apply to participate in the Program:

11 (1) an individual acting on the individual's own behalf;

12 (2) a parent or guardian acting on behalf of a minor who resides with the
13 parent or guardian; or

14 (3) a guardian acting on behalf of a disabled person.

15 (b) An application to participate in the Program shall be in the form required by
16 the Secretary of State and shall contain:

17 (1) a statement that:

18 (i) the applicant is a victim of domestic violence; and

19 (ii) the applicant fears for the applicant's safety or the safety of the
20 applicant's child;

21 (2) evidence that the applicant is a victim of domestic violence, including:

22 (i) certified law enforcement, court, or other federal or State agency
23 records or files;

24 (ii) documentation from a domestic violence program; or

25 (iii) documentation from a religious, medical, or other professional
26 from whom the applicant has sought assistance or treatment as a victim of domestic
27 violence;

28 (3) a statement that disclosure of the applicant's **LEGAL NAME OR** actual
29 address would endanger the applicant's safety or the safety of the applicant's child;

1 (4) a knowing and voluntary designation of the Secretary of State as agent
2 for purposes of service of process and receipt of first-class, certified, or registered mail;

3 (5) the mailing address and telephone number where the applicant may be
4 contacted by the Secretary of State;

5 (6) the **LEGAL NAME OR** actual address that the applicant requests not be
6 disclosed by the Secretary of State because it would increase the risk of domestic violence;

7 **(7) THE NAME DESIGNATED BY THE INDIVIDUAL AS THE INDIVIDUAL'S**
8 **SUBSTITUTE NAME FOR THE PROGRAM;**

9 **[(7)] (8)** a statement as to whether there is any existing court order or
10 pending court action involving the applicant and related to divorce proceedings, child
11 support, child custody, or child visitation, and the court that issued the order or has
12 jurisdiction over the action;

13 **[(8)] (9)** a sworn statement by the applicant that to the best of the
14 applicant's knowledge all of the information contained in the application is true;

15 **[(9)] (10)** the signature of the applicant and the date on which the
16 applicant signed the application; and

17 **[(10)] (11)** a voluntary release and waiver of all future claims against the
18 State for any claim that may arise from participation in the Program except for a claim
19 based on gross negligence.

20 (c) (1) (i) On the filing of a properly completed application and release, the
21 Secretary of State shall:

22 1. review the application and release; and

23 2. if the application and release are properly completed and
24 accurate, designate the applicant as a Program participant.

25 (ii) An applicant shall be a participant for 4 years from the date of
26 filing unless the participation is canceled or withdrawn prior to the end of the 4-year
27 period.

28 (2) A Program participant may withdraw from participation by filing a
29 signed, notarized request for withdrawal with the Secretary of State.

30 4-523.

31 (a) If an applicant falsely attests in an application that disclosure of the
32 applicant's **LEGAL NAME OR** actual address would endanger the applicant's safety or the

1 safety of the applicant's child or knowingly provides false information when applying for
2 participation or renewal of participation in the Program, the applicant shall no longer be
3 allowed to participate in the Program.

4 (b) A person may not knowingly make a false attestation or knowingly provide
5 false information in an application in violation of subsection (a) of this section.

6 (c) A person who violates subsection (b) of this section is guilty of a misdemeanor
7 and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
8 \$500 or both.

9 4-524.

10 (a) If a Program participant obtains a legal name change, the Program
11 participant shall notify the Secretary of State within 30 days and provide the Secretary of
12 State with a certified copy of any judgment or order evidencing the change or any other
13 documentation the Secretary of State considers to be sufficient evidence of the change.

14 (b) If a Program participant makes a change in address or telephone number from
15 an address or telephone number listed on the Program participant's application, the
16 Program participant shall notify the Secretary of State at least 7 days before the change
17 occurs.

18 4-525.

19 (a) The Secretary of State shall cancel the participation of a Program participant
20 if:

21 (1) the Program participant fails to notify the Secretary of State of any
22 legal name change or change in address or telephone number in the manner required by §
23 4-524 of this part;

24 (2) the Program participant files a request for withdrawal of participation
25 under § 4-522(c)(2) of this part;

26 (3) the Program participant submits false information in applying for
27 participation in the Program in violation of § 4-523 of this part; or

28 (4) the Secretary of State forwards mail to the Program participant and the
29 mail is returned as undeliverable.

30 (b) The Secretary of State shall send notice of any cancellation of participation in
31 the Program to the participant and shall set forth the reason for cancellation.

32 (c) A Program participant may appeal any cancellation decision by filing an
33 appeal with the Secretary of State within 30 days after the date of the notice of cancellation
34 in accordance with procedures developed by the Secretary of State.

1 (d) An individual who ceases to be a Program participant is responsible for
2 notifying any person who uses the substitute **NAME OR** address designated [by the
3 Secretary of State] **UNDER THIS SUBTITLE** that the substitute **NAME OR** address is no
4 longer valid.

5 4–526.

6 (a) A Program participant may make a request to any State or local agency to use
7 the substitute **NAME DESIGNATED BY THE PROGRAM PARTICIPANT AS THE PROGRAM**
8 **PARTICIPANT’S NAME OR SUBSTITUTE** address designated by the Secretary of State as
9 the Program participant’s address.

10 (b) Subject to subsection (c) of this section, when a Program participant has made
11 a request to a State or local agency under subsection (a) of this section, the State or local
12 agency shall use the substitute **NAME OR** address designated [by the Secretary of State as
13 a] **UNDER THIS SUBTITLE AS THE** Program participant’s **NAME OR** address.

14 (c) (1) A State or local agency that has a bona fide statutory or administrative
15 requirement for using a Program participant’s **LEGAL NAME OR** actual address may apply
16 to the Secretary of State for a waiver from the requirements of the Program.

17 (2) If the Secretary of State approves the waiver, the State or local agency
18 shall use the Program participant’s **LEGAL NAME OR** actual address only for the required
19 statutory or administrative purposes.

20 4–527.

21 (a) (1) Each local board of elections shall use a Program participant’s **LEGAL**
22 **NAME AND** actual address for all election–related purposes.

23 (2) A Program participant may not use the substitute **NAME OR** address
24 designated [by the Secretary of State as the Program participant’s address] **UNDER THIS**
25 **SUBTITLE** for voter registration purposes.

26 (b) A local board of elections may not make a Program participant’s **NAME OR**
27 address contained in voter registration records available for public inspection or copying,
28 except:

29 (1) on request by a law enforcement agency for law enforcement purposes;
30 and

31 (2) as directed by a court order to disclose the **NAME OR** address.

32 4–528.

1 (a) Except as otherwise provided by this part, a Program participant's **LEGAL**
2 **NAME**, actual address, and telephone number maintained by the Secretary of State or a
3 State or local agency is not a public record within the meaning of § 4-101 of the General
4 Provisions Article.

5 (b) The Secretary of State may not disclose a Program participant's **LEGAL**
6 **NAME**, actual address [or], telephone number, or substitute **NAME OR** address, except as
7 provided in subsection (c) of this section and:

8 (1) (i) on request by a law enforcement agency for law enforcement
9 purposes; and

10 (ii) as directed by a court order; or

11 (2) on request by a State or local agency to verify a Program participant's
12 participation in the Program or substitute **NAME OR** address for use under § 4-526 of this
13 part.

14 (c) The Secretary of State shall notify the appropriate court of a Program
15 participant's participation in the Program and of the substitute **NAME OR** address
16 designated [by the Secretary of State] **UNDER THIS SUBTITLE** if the Program participant:

17 (1) is subject to a court order or administrative order;

18 (2) is involved in a court action or administrative action; or

19 (3) is a witness or a party in a civil or criminal proceeding.

20 4-529.

21 (a) A person may not knowingly and intentionally obtain a Program participant's
22 **LEGAL NAME**, actual address, or telephone number from the Secretary of State or any
23 agency without authorization to obtain the information.

24 (b) (1) This subsection applies only when an employee of the Secretary of
25 State:

26 (i) obtains a Program participant's **LEGAL NAME**, actual address,
27 or telephone number during the course of the employee's official duties; and

28 (ii) at the time of disclosure, has specific knowledge that the **LEGAL**
29 **NAME**, actual address, or telephone number belongs to a Program participant.

30 (2) An employee of the Secretary of State or any agency may not knowingly
31 and intentionally disclose a Program participant's **LEGAL NAME**, actual address, or
32 telephone number to another person unless the disclosure is authorized by law.

1 (c) A person who violates this section is guilty of a misdemeanor and on conviction
2 is subject to a fine not exceeding \$2,500.

3 4-530.

4 The Secretary of State shall adopt regulations to carry out the provisions of this part.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2015.