



2015 SENATE BILL 488

December 29, 2015 - Introduced by Senators S. FITZGERALD, SHILLING, CARPENTER, GUDEX, C. LARSON, HANSEN, L. TAYLOR, RISSER, ERPENBACH, VUKMIR, LASSA, DARLING, WIRCH, MARKLEIN, RINGHAND, HARRIS DODD, HARSDFORF and OLSEN, cosponsored by Representatives KLEEFISCH, C. TAYLOR, OHNSTAD, GANNON, HORLACHER, PETRYK, MILROY, HEBL, JOHNSON, THIESFELDT, MASON, BERCEAU, ZAMARRIPA, ZEPNICK, KREMER, BERNIER, MURPHY, KAHL, SUBECK, A. OTT, GOYKE, DOYLE, JACQUE, JAGLER, E. BROOKS, SINICKI, ROHRKASTE, T. LARSON, KRUG, RODRIGUEZ, KOLSTE, BORN, ALLEN, CONSIDINE, NERISON, SHANKLAND, BILLINGS, BALLWEG, SKOWRONSKI, HEATON and SPREITZER. Referred to Committee on Judiciary and Public Safety.

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; providing an exemption
5 from emergency rule procedures; and requiring the exercise of rule-making
6 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.

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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 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

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

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

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

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

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

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

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

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

25 **66.0504 Address confidentiality program. (1) DEFINITIONS.** In this section:

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

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

4 1. A county clerk under s. 59.23.

5 2. A clerk of court under s. 59.40.

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

7 4. A register of deeds under s. 59.43.

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

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

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

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

16 **165.68 Address confidentiality program. (1) DEFINITIONS.** In this section:

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

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

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

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

21 4. Stalking under s. 940.32.

22 5. Trafficking under s. 940.302.

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

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

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

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

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

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

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

19 1. That he or she is a resident of this state.

20 2. That at least one of the following applies:

21 a. He or she is a victim of abuse, a parent or guardian of a person who is a victim
22 of abuse, or a resident of a household in which a victim of abuse also resides.

23 b. He or she fears for his or her physical safety or for the physical safety of his
24 or her child or ward.

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1 3. That he or she resides or will reside at a location in this state that is not
2 known by the person who committed the abuse against, or who threatens, the
3 applicant or his or her child or ward.

4 4. That he or she will not disclose his or her actual address to the person who
5 committed the abuse against, or who threatens, the applicant or his or her child or
6 ward.

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

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

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

17 1. The applicant's name.

18 2. The applicant's actual address.

19 3. A place for the applicant to identify any state or local government agency that
20 employs a person who committed an act of abuse against the applicant.

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

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

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

5 c. A program participant is required to develop a safety plan with a program
6 assistant.

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

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

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

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

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

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

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

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

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

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

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

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

