

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 430

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO ADDRESS CONFIDENTIALITY FOR VICTIMS OF VIOLENCE; AMENDING SEC-
2 TION 19-5701, IDAHO CODE, TO REVISE LANGUAGE REGARDING THE PURPOSE;
3 AMENDING SECTION 19-5702, IDAHO CODE, TO REVISE DEFINITIONS; AMEND-
4 ING SECTION 19-5703, IDAHO CODE, TO REVISE PROVISIONS REGARDING WHEN
5 AN APPLICANT IS ENTERED INTO THE ADDRESS CONFIDENTIALITY PROGRAM; AND
6 AMENDING SECTION 19-5705, IDAHO CODE, TO PROVIDE THAT THE OFFICE OF THE
7 SECRETARY OF STATE SHALL FORWARD ALL FIRST CLASS, PRIORITY AND OTHER
8 MAIL AS DEEMED NECESSARY BY THE SECRETARY OF STATE TO THE APPROPRIATE
9 PROGRAM PARTICIPANT.
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 19-5701, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 19-5701. PURPOSE. The legislature finds that persons attempting to
15 escape from actual or threatened domestic violence, sexual assault, stalk-
16 ing, human trafficking or malicious harassment frequently establish new
17 addresses in order to prevent their assailants or probable assailants from
18 finding them. The purpose of this chapter is to enable state and local
19 agencies to respond to requests for public records without disclosing the
20 location of a victim of domestic violence, sexual assault, malicious harass-
21 ment, human trafficking or stalking, to enable interagency cooperation with
22 the secretary of state in providing address confidentiality for victims of
23 domestic violence, sexual assault, malicious harassment, human traffick-
24 ing or stalking, and to enable state and local agencies to accept a program
25 participant's use of an address designated by the secretary of state as a
26 substitute mailing address.

27 SECTION 2. That Section 19-5702, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 19-5702. DEFINITIONS. Unless the context clearly requires otherwise,
30 for purposes of this chapter, the following terms have the following mean-
31 ings:

32 (1) "Address" means a residential street address of an individual as
33 specified on the individual's application to be a program participant under
34 this chapter.

35 (2) "Program participant " means :

36 ~~(a) An individual who has obtained an order of protection pursuant to~~
37 ~~section 39-6306, Idaho Code, after a hearing for which the defendant in~~
38 ~~the proceeding received notice; or~~

39 ~~(b) An individual who has obtained a certification from a prosecutor~~
40 ~~stating that the individual is the victim of a crime in which the de-~~

1 ~~endant has been charged pursuant to section 18-918, 18-1506, 18-1508,~~
 2 ~~18-1508A, 18-6101, 18-7902, 18-7905 or 18-7906, Idaho Code, or in which~~
 3 ~~the defendant is charged with attempt to commit any of the foregoing~~
 4 ~~crimes~~ Domestic violence" means an act pursuant to section 18-918, Idaho
 5 Code.

6 (3) "Human trafficking" means an act pursuant to section 18-8602, Idaho
 7 Code.

8 (4) "Malicious harassment" means an act pursuant to section 18-7902,
 9 Idaho Code.

10 (5) "Program participant" means a person certified as a program partic-
 11 ipant pursuant to section 19-5703, Idaho Code.

12 (6) "Sexual assault" means an act pursuant to section 18-1506, 18-1508,
 13 18-1508A or 18-6101, Idaho Code.

14 (7) "Stalking" means an act pursuant to section 18-7905 or 18-7906,
 15 Idaho Code.

16 SECTION 3. That Section 19-5703, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 19-5703. ADDRESS CONFIDENTIALITY PROGRAM -- APPLICATION -- CERTIFI-
 19 CATION. (1) An adult person, a parent or a guardian acting on behalf of a mi-
 20 nor, or a guardian appointed pursuant to section 15-5-304, Idaho Code, act-
 21 ing on behalf of an incapacitated person, may apply to the secretary of state
 22 to have an address designated by the secretary of state serve as the person's
 23 address or the address of the minor or incapacitated person. The secretary
 24 of state shall approve an application if it is filed in the manner and on the
 25 form prescribed by the secretary of state and if it contains:

26 (a) A sworn statement by the applicant that the applicant has good rea-
 27 son to believe:

28 (i) That the applicant, or the minor or incapacitated person on
 29 whose behalf the application is made, is a victim of domestic vio-
 30 lence, stalking, rape or malicious harassment, or any other crime
 31 listed in section ~~19-5702(2)(b)~~ 19-5701, Idaho Code; and

32 (ii) That the applicant fears for his or her safety or his or her
 33 children's safety, or the safety of the minor or incapacitated
 34 person on whose behalf the application is made;;

35 ~~(b) A certified copy of a domestic protection order issued pursuant to~~
 36 ~~section 39-6306, Idaho Code, or a certified statement from a prosecutor~~
 37 ~~stating that the individual is a victim of crime as provided in subsec-~~
 38 ~~tion (2)(b) of section 19-5702, Idaho Code.~~

39 ~~(c) A designation of the secretary of state as agent for purposes of~~
 40 ~~service of process and for the purpose of receipt of mail;;~~

41 ~~(d) The mailing address where the applicant can be contacted by the~~
 42 ~~secretary of state, and the telephone number or numbers where the appli-~~
 43 ~~cant can be called by the secretary of state;; and~~

44 ~~(e) The address or addresses that the applicant requests not be dis-~~
 45 ~~closed.~~

46 (2) If the applicant alleges that the basis for the application is that
 47 the applicant, or the minor or incapacitated person on whose behalf the ap-
 48 plication is made, is a victim of domestic violence, sexual assault or human

1 trafficking, the application must be accompanied by evidence including, but
 2 not limited to, any of the following:

3 (a) Police, court, or other government agency records or files;

4 (b) Documentation from a domestic violence or sexual assault program or
 5 facility if the person is alleged to be a victim of domestic violence,
 6 sexual assault or human trafficking;

7 (c) Documentation from a legal, clerical, medical or other profes-
 8 sional from whom the applicant or person on whose behalf the application
 9 is made has sought assistance in dealing with the alleged domestic vio-
 10 lence, sexual assault or human trafficking; and

11 (d) A certified copy of a no contact order or a temporary or permanent
 12 civil protection order.

13 (3) If the applicant alleges that the basis for the application is that
 14 the applicant, or the minor or incapacitated person on whose behalf the ap-
 15 plication is made, is a victim of stalking or malicious harassment, the ap-
 16 plication must be accompanied by evidence including, but not limited to, any
 17 of the following:

18 (a) Police, court or other government agency records or files;

19 (b) Documentation from a legal, clerical, medical or other profes-
 20 sional from whom the applicant or person on whose behalf the application
 21 is made has sought assistance in dealing with the alleged stalking or
 22 malicious harassment; and

23 (c) A certified copy of a no contact order or a temporary or permanent
 24 civil protection order.

25 (4) Applications shall be filed with the office of the secretary of
 26 state.

27 (35) Upon filing a properly completed application, the secretary of
 28 state shall certify the applicant as a program participant. Applicants
 29 shall be certified for four (4) years following the date of filing unless the
 30 certification is withdrawn or invalidated before that date. The application
 31 may be renewed at the end of four (4) years.

32 (46) A person who falsely attests in an application that disclosure of
 33 the applicant's address would endanger the applicant's safety or the safety
 34 of the applicant's children, or the minor or incapacitated person on whose
 35 behalf the application is made, or who knowingly provides false or incorrect
 36 information upon making an application, shall be punishable under section
 37 18-5414, Idaho Code, or other applicable statutes.

38 SECTION 4. That Section 19-5705, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 19-5705. USE OF DESIGNATED ADDRESS. (1) A program participant may re-
 41 quest that state and local agencies use the address designated by the secre-
 42 tary of state as his or her address. When creating a new public record, state
 43 and local agencies shall accept the address designated by the secretary of
 44 state as a program participant's substitute address, unless the agency shows
 45 that:

46 (a) The agency has a bona fide statutory or administrative requirement
 47 for the use of a program participant's address which would otherwise be
 48 confidential under this chapter;

1 (b) The program participant's address will be used only for those
2 statutory and administrative purposes; and

3 (c) The agency takes reasonable precautions to protect the confiden-
4 tiality of the program participant.

5 (2) A program participant may use the address designated by the secre-
6 tary of state as his or her work address.

7 (3) The office of the secretary of state shall forward all first class
8 priority and other mail as deemed necessary by the secretary of state to the
9 appropriate program participant.