

ASSEMBLY, No. 1651

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

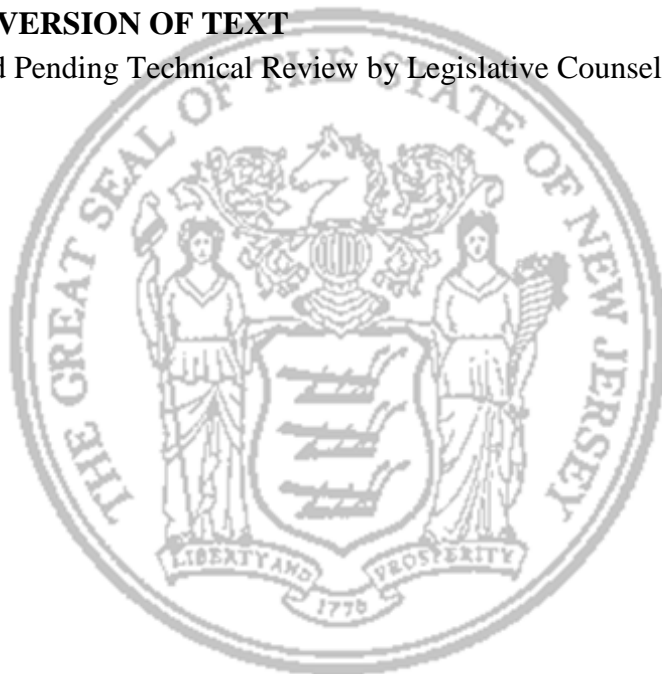
**Assemblymen Coughlin, Gusciora, Assemblywoman Muoio, Assemblyman
Conaway and Assemblywoman Pinkin**

SYNOPSIS

Expands the Address Confidentiality Program to include victims of sexual assault and stalking.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the Address Confidentiality Program and
2 amending R.S.47:4-2 through R.S.47:4-6.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. R.S.47:4-2 is amended to read as follows:

8 47:4-2. The Legislature finds that persons attempting to escape
9 from actual or threatened domestic violence, stalking, or sexual
10 assault **【frequently】** may establish new addresses to prevent their
11 assailants from finding them. The purpose of this act is to enable
12 public agencies to respond to requests for public records without
13 disclosing the location of a victim of domestic violence, stalking, or
14 sexual assault, to enable interagency cooperation with the
15 **【Secretary of State】** Director of the Division on Women in
16 providing address confidentiality for victims of domestic violence,
17 stalking, and sexual assault, and to enable public agencies to accept
18 a program participant's use of an address designated by the
19 **【Secretary of State】** director as a substitute mailing address.
20 (cf: P.L.1997, c.369, s.1)

21

22 2. R.S.47:4-3 is amended to read as follows:

23 47:4-3. As used in this act:

24 "Address" means a residential street address, school address, or
25 work address of a person, as specified on the person's application to
26 be a program participant under this act.

27 "Program participant" means a person certified by the **【Secretary**
28 **of State】** Director of the Division on Women as eligible to
29 participate in the Address Confidentiality Program established by
30 this act.

31 **【"Department" means the Department of State】** "Division"
32 means the Division on Women in the Department of Children and
33 Families.

34 "Director" means the Director of the Division on Women in the
35 Department of Children and Families.

36 "Domestic violence" means an act defined in section 3 of
37 P.L.1991, c.261 (C.2C:25-19), if the act has been reported to a law
38 enforcement agency or court.

39 **【"Secretary" means the Secretary of State.】**

40 "Sexual assault" means an act of sexual assault as defined in
41 N.J.S.2C:14-2, if the act has been reported to a law enforcement
42 agency or court.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 “Stalking” means an act defined in section 1 of P.L.1992, c.209
2 (C.2C:12-10), if the act has been reported to a law enforcement
3 agency or court.

4 (cf: P.L.1997, c.369, s.1)

5
6 3. R.S.47:4-4 is amended to read as follows:

7 47:4-4. a. There is created in the **【department】** division a
8 program to be known as the "Address Confidentiality Program." A
9 person 18 years of age or over, a parent or guardian acting on behalf
10 of a minor, or a guardian acting on behalf of an incapacitated person
11 may apply to the **【secretary】** director to have an address designated
12 by the **【secretary】** director as the applicant's address. The
13 **【secretary】** director shall approve an application if it is filed in the
14 manner and on the form prescribed by the **【secretary】** director and
15 if it contains:

16 (1) a sworn statement by the applicant that the applicant has
17 good reason to believe:

18 (a) that the applicant is a victim of domestic violence, stalking,
19 or sexual assault as defined in this act or the victim has applied for
20 an order pursuant to P.L.2015, c.147 (C.2C:14-13 et al.); and

21 (b) that the applicant fears further violent acts from the
22 applicant's assailant;

23 (2) a designation of the **【secretary】** director as agent for the
24 purpose of receiving process and for the purpose of receipt of mail;

25 (3) the mailing address where the applicant can be contacted by
26 the **【secretary】** director, and a telephone number where the
27 applicant can be called;

28 (4) the new address or addresses that the applicant requests not
29 be disclosed because of the increased risk of domestic violence,
30 stalking, or sexual assault; and

31 (5) the signature of the applicant and any person who assisted in
32 the preparation of the application, and the date.

33 b. An application shall be filed with the **【secretary】** director.

34 c. Upon approving a completed application, the **【secretary】**
35 director shall certify the applicant as a program participant. An
36 applicant shall be certified for four years following the date of filing
37 unless the certification is withdrawn or invalidated before that date.

38 d. A program participant may apply to be recertified every four
39 years thereafter.

40 e. A program participant may use the address designated by the
41 **【secretary】** director as his or her work address.

42 f. Upon receipt of first class mail addressed to a program
43 participant, the **【secretary】** director or a designee shall forward the
44 mail to the actual address of the participant. The **【secretary】**
45 director may arrange to receive and forward other kinds and classes
46 of mail for any program participant at the participant's expense.
47 The actual address of a program participant shall be available only

1 to the **【secretary】** director and to those employees involved in the
2 operation of the address confidentiality program and to law
3 enforcement officers for law enforcement purposes.

4 g. The **【secretary】** director, in accordance with the provisions
5 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
6 1 et seq.), shall promulgate rules and regulations to effectuate the
7 purposes of this act.

8 (cf: P.L.1997, c.369, s.1)

9

10 4. R.S.47:4-5 is amended to read as follows:

11 47:4-5. The **【secretary】** director may cancel a program
12 participant's certification if:

13 (1) the program participant obtains a name change through an
14 order of the court;

15 (2) the program participant changes the participant's residential
16 address and does not provide seven days' advance notice to the
17 **【secretary】** director;

18 (3) mail forwarded by the **【secretary】** director to the address or
19 addresses provided by the program participant is returned as
20 undeliverable; or

21 (4) any information on the application is false.

22 The application form shall notify each applicant of the provisions
23 of this section.

24 (cf: P.L.1997, c.369, s.1)

25

26 5. R.S.47:4-6 is amended to read as follows:

27 47:4-6. A program participant may request that any State or
28 local agency use the address designated by the **【secretary】** director
29 as the program participant's address. The agency shall accept the
30 address designated by the **【secretary】** director as a program
31 participant's address, unless the agency has demonstrated to the
32 satisfaction of the **【secretary】** director that:

33 (1) the agency has a bona fide statutory basis for requiring the
34 program participant to disclose to it the actual location of the
35 program participant; and

36 (2) the disclosed confidential address of the program participant
37 will be used only for that statutory purpose and will not be
38 disclosed or made available in any way to any other person or
39 agency.

40 (cf: P.L.1997, c.369, s.1)

41

42 6. This act shall take effect on the 60th day following
43 enactment.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

The Address Confidentiality Program, enacted by P.L.1997, c.369 (R.S.47:4-1 et seq.), allows victims of domestic violence to establish an alternate mailing address and keep their actual address confidential. This bill would expand the program to also encompass victims of stalking, victims of sexual assault, and victims who have applied for protective orders pursuant to P.L.2015, c.147 (C.2C:14-13 et al.), the “Sexual Assault Survivor Protection Act of 2015.”

Currently, a person applying to the Address Confidentiality Program must provide a sworn statement that the applicant has good reason to believe that the applicant is a victim of domestic violence and fears further violent acts from the assailant. The statute does not require the assailant to have been charged with or convicted of any criminal offense or subject to a domestic violence restraining order. The statute defines “domestic violence” as an act defined in section 3 of P.L.1991, c.261 (C.2C:25-19), if the act has been reported to a law enforcement agency or court.

The bill expands the program to include victims of stalking and certain sexual assaults to encompass: (1) all sexual assaults set out in N.J.S.2C:14-2; and (2) victims who have applied for protective orders pursuant to P.L.2015, c.147 (C.2C:14-13 et.al), the “Sexual Assault Survivor Protection Act of 2015,” if the act has been reported to a law enforcement agency or court.

Under the bill, the same program criteria currently used for domestic violence victims would be expanded to encompass these other victims as well. An applicant would be required to provide a sworn statement that the applicant has good reason to believe that the applicant is a victim and fears further violent acts from the assailant. There would be no requirement for the assailant to have been charged with, or convicted of, any crime.

If the application is accepted, the applicant is certified as a program participant for a period of four years. At the end of that period, the participant may apply to be recertified for subsequent four-year periods.

The Address Confidentiality Program provides the participant with a designated address to be used as the participant’s mailing address. The program forwards the participant’s mail to the participant’s actual address, while the actual address remains confidential and available only to employees of the program and to law enforcement. The participant may use the designated address as the participant’s work address and may request that any State or local agency use it as the participant's address. The State or local agency is required to accept the designated address unless it demonstrates a bona fide statutory basis for requiring the participant to disclose the actual location, and that the disclosed confidential address will be used only for that statutory purpose and will not be

1 disclosed or made available in any way to any other person or
2 agency.

3 A program participant's certification may be cancelled if: (1) the
4 participant obtains a name change through an order of the court; (2)
5 the participant changes the participant's residential address and
6 does not provide seven days' advance notice to the program; (3)
7 mail forwarded by the program to the participant's actual address is
8 returned as undeliverable; or (4) any information on the application
9 is false.

10 In addition, the bill updates the statute to reflect the correct
11 location of the program. As enacted by P.L.1997, c.369, the
12 Address Confidentiality Program was located in the Department of
13 State under the direction of the Secretary of State. The program is
14 currently located in the Division on Women in the Department of
15 Children and Families under the Director of the Division on
16 Women.