

# ASSEMBLY, No. 1861

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**SYNOPSIS**

Establishes “Address Confidentiality Program for Reproductive Health Service Employees and Clients.”

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing an Address Confidentiality Program for  
2 certain persons, amending various sections of the statutory law  
3 and supplementing chapter 4 of Title 47 of the Revised Statutes.  
4

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

7  
8 1. (New section) This act shall be known and may be cited as  
9 the “Address Confidentiality Program for Reproductive Health  
10 Service Employees and Clients.”

11  
12 2. (New section) As used in sections 1 through 5 of P.L. ,  
13 c. (C. ) (pending before the Legislature as this bill):

14 “Address” means a residential street address, school address, or  
15 work address of a person, as specified on the person's application to  
16 be a program participant under sections 1 through 5 of P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill).

18 “Commissioner” means the Commissioner of the Department of  
19 Children and Families.

20 “Department” means the Department of Children and Families.

21 “Person” means an employee, volunteer, or contractor with, or a  
22 client or patient of, a reproductive health service provider, or a  
23 family member of any such person.

24 “Program participant” means a person certified by the  
25 Commissioner of the Department of Children and Families as  
26 eligible to participate in the Address Confidentiality Program for  
27 Reproductive Health Service Employees and Clients established by  
28 sections 1 through 5 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill).

30 “Reproductive health service provider” means a hospital, clinic,  
31 physician’s office, or other facility that provides reproductive health  
32 services.

33 “Reproductive health services” means medical, surgical,  
34 counselling, or referral services relating to the human reproductive  
35 system, including services relating to pregnancy or the termination  
36 of a pregnancy.  
37

38 3. (New section) a. There is created in the department a  
39 program to be known as the “Address Confidentiality Program for  
40 Reproductive Health Service Employees and Clients.” A person 18  
41 years of age or over, a parent or guardian acting on behalf of a  
42 minor, or a guardian acting on behalf of an incapacitated person  
43 may apply to the commissioner to have an address designated by  
44 the commissioner as the applicant's address. The commissioner

**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 shall approve an application if it is filed in the manner and on the  
2 form prescribed by the commissioner and if it contains:

3 (1) a sworn statement that the applicant fears for his safety  
4 because of the applicant's status as an employee, volunteer, or  
5 contractor with, or as a client or patient of, a reproductive health  
6 service provider, or as a family member of any such person;

7 (2) a designation of the commissioner as agent for the purpose  
8 of receiving process and for the purpose of receipt of mail;

9 (3) the mailing address where the applicant can be contacted by  
10 the commissioner, and a telephone number where the applicant can  
11 be called;

12 (4) the new address or addresses that the applicant requests not  
13 be disclosed because of the applicant's fear for his safety; and

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

16 b. An application shall be filed with the commissioner.

17 c. Upon approving a completed application, the commissioner  
18 shall certify the applicant as a program participant. An applicant  
19 shall be certified for four years following the date of filing unless  
20 the certification is withdrawn or invalidated before that date.

21 d. A program participant may apply to be recertified every four  
22 years thereafter.

23 e. A program participant may use the address designated by the  
24 commissioner as the participant's work address.

25 f. Upon receipt of first class mail addressed to a program  
26 participant, the commissioner or a designee shall forward the mail  
27 to the actual address of the participant. The commissioner may  
28 arrange to receive and forward other kinds and classes of mail for  
29 any program participant at the participant's expense. The actual  
30 address of a program participant shall be available only to the  
31 commissioner and to those employees involved in the operation of  
32 the address confidentiality program and to law enforcement officers  
33 for law enforcement purposes.

34 g. The commissioner, in accordance with the provisions of the  
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
36 seq.), shall promulgate rules and regulations to effectuate the  
37 purposes of sections 1 through 5 of P.L. , c. (C. ) (pending  
38 before the Legislature as this bill).

39

40 4. (New section) The commissioner may cancel a program  
41 participant's certification if:

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

44 (2) the program participant changes the participant's residential  
45 address and does not provide seven days' advance notice to the  
46 commissioner;

1 (3) mail forwarded by the commissioner to the address or  
2 addresses provided by the program participant is returned as  
3 undeliverable; or

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

5 The application form shall notify each applicant of the provisions  
6 of this section.

7  
8 5. (New section) A program participant may request that any  
9 State or local agency use the address designated by the  
10 commissioner as the program participant's address. The agency  
11 shall accept the address designated by the commissioner as a  
12 program participant's address, unless the agency has demonstrated  
13 to the satisfaction of the commissioner that:

14 (1) the agency has a bona fide statutory basis for requiring the  
15 program participant to disclose to it the actual location of the  
16 program participant; and

17 (2) the disclosed confidential address of the program participant  
18 will be used only for that statutory purpose and will not be  
19 disclosed or made available in any way to any other person or  
20 agency.

21  
22 6. R.S.47:4-1 is amended to read as follows:

23 47:4-1. This act shall be known and may be cited as the "Address  
24 Confidentiality Program for Domestic Violence Victims Act."

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

26  
27 7. R.S.47:4-2 is amended to read as follows:

28 47:4-2. The Legislature finds that persons attempting to escape  
29 from actual or threatened domestic violence frequently establish  
30 new addresses to prevent their assailants from finding them. The  
31 purpose of **【this act】** R.S. 47:4-1 et seq. is to enable public agencies  
32 to respond to requests for public records without disclosing the  
33 location of a victim of domestic violence, to enable interagency  
34 cooperation with the **【Secretary of State】** Commissioner of the  
35 Department of Children and Families providing address  
36 confidentiality for victims of domestic violence, and to enable  
37 public agencies to accept a program participant's use of an address  
38 designated by the **【Secretary of State】** commissioner as a substitute  
39 mailing address.

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

41  
42 8. R.S.47:4-3 is amended to read as follows:

43 47:4-3. As used in **【this act】** R.S. 47:4-1 et seq.:

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

47 "Commissioner" means the Commissioner of the Department of  
48 Children and Families.

1 "Program participant" means a person certified by the **【Secretary**  
2 **of State】** Commissioner of the Department of Children and Families  
3 as eligible to participate in the Address Confidentiality Program  
4 established by **【this act】** R.S. 47:4-1 et seq.

5 "Department" means the Department of **【State】** Children and  
6 Families.

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

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

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

12  
13 9. R.S.47:4-4 is amended to read as follows:

14 47:4-4. a. There is created in the department a program to be  
15 known as the "Address Confidentiality Program for Domestic  
16 Violence Victims." A person 18 years of age or over, a parent or  
17 guardian acting on behalf of a minor, or a guardian acting on behalf  
18 of an incapacitated person may apply to the **【secretary】**  
19 commissioner to have an address designated by the **【secretary】**  
20 commissioner as the applicant's address. The **【secretary】**  
21 commissioner shall approve an application if it is filed in the  
22 manner and on the form prescribed by the **【secretary】**  
23 commissioner and if it contains:

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

26 (a) that the applicant is a victim of domestic violence as defined  
27 in **【this act】** R.S. 47:4-1 et seq.; and

28 (b) that the applicant fears further violent acts from the  
29 applicant's assailant;

30 (2) a designation of the **【secretary】** commissioner as agent for  
31 the purpose of receiving process and for the purpose of receipt of  
32 mail;

33 (3) the mailing address where the applicant can be contacted by  
34 the **【secretary】** commissioner and a telephone number where the  
35 applicant can be called;

36 (4) the new address or addresses that the applicant requests not  
37 be disclosed because of the increased risk of domestic violence; and

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

40 b. An application shall be filed with the **【secretary】**  
41 commissioner.

42 c. Upon approving a completed application, the **【secretary】**  
43 commissioner shall certify the applicant as a program participant.  
44 An applicant shall be certified for four years following the date of  
45 filing unless the certification is withdrawn or invalidated before that  
46 date.

1 d. A program participant may apply to be recertified every four  
2 years thereafter.

3 e. A program participant may use the address designated by the  
4 **【secretary】 commissioner** as **【his or her】** the participant's work  
5 address.

6 f. Upon receipt of first class mail addressed to a program  
7 participant, the **【secretary】 commissioner** or a designee shall  
8 forward the mail to the actual address of the participant. The  
9 **【secretary】 commissioner** may arrange to receive and forward other  
10 kinds and classes of mail for any program participant at the  
11 participant's expense. The actual address of a program participant  
12 shall be available only to the **【secretary】 commissioner** and to those  
13 employees involved in the operation of the address confidentiality  
14 program and to law enforcement officers for law enforcement  
15 purposes.

16 g. The **【secretary】 commissioner**, in accordance with the  
17 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
18 (C.52:14B-1 et seq.), shall promulgate rules and regulations to  
19 effectuate the purposes of **【this act】 R.S. 47:4-1 et seq.**  
20 (cf: P.L.1997, c.369, s.1)

21

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

23 47:4-5. The **【secretary】 commissioner** may cancel a program  
24 participant's certification if:

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

27 (2) the program participant changes the participant's residential  
28 address and does not provide seven days' advance notice to the  
29 **【secretary】 commissioner**;

30 (3) mail forwarded by the **【secretary】 commissioner** to the  
31 address or addresses provided by the program participant is returned  
32 as undeliverable; or

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

34 The application form shall notify each applicant of the provisions  
35 of this section.

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

37

38 11. R.S.47:4-6 is amended to read as follows:

39 47:4-6. A program participant may request that any State or  
40 local agency use the address designated by the **【secretary】**  
41 commissioner as the program participant's address. The agency  
42 shall accept the address designated by the **【secretary】 commissioner**  
43 as a program participant's address, unless the agency has  
44 demonstrated to the satisfaction of the **【secretary】 commissioner**  
45 that:

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

4 (2) the disclosed confidential address of the program participant  
5 will be used only for that statutory purpose and will not be  
6 disclosed or made available in any way to any other person or  
7 agency.

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

9

10 12. This act shall take effect on the 90<sup>th</sup> day following  
11 enactment.

12

13

14

#### STATEMENT

15

16 This bill would establish an “Address Confidentiality Program  
17 for Reproductive Health Service Employees and Clients.” The bill  
18 is similar to the current Address Confidentiality Program for  
19 domestic violence victims, set out in R.S.47:4-1 et seq., which  
20 allows victims of domestic violence to establish an alternate  
21 mailing address and keep their actual address confidential.

22 The bill would apply to any employee, volunteer, or contractor  
23 with, or a client or patient of, a reproductive health service  
24 provider, or a family member of any such person, who fears for his  
25 safety because of his status as an employee, volunteer, or contractor  
26 with, or as a client or patient of, a reproductive health service  
27 provider, or as a family member of any such person. The applicant  
28 would be required to provide a sworn statement to that effect.

29 The bill defines “reproductive health service provider” as a  
30 hospital, clinic, physician’s office, or other facility that provides  
31 reproductive health services. The term “reproductive health  
32 services” is defined in the bill as medical, surgical, counselling, or  
33 referral services relating to the human reproductive system,  
34 including services relating to pregnancy or the termination of a  
35 pregnancy.

36 Under the bill, the program would be located in, and  
37 administered by, the Department of Children and Families, which is  
38 currently responsible for the Address Confidentiality Program for  
39 domestic violence victims.

40 Applications to the Address Confidentiality Program for  
41 Reproductive Health Service Employees and Clients would be filed  
42 with the Commissioner of the Department of Children and Families.  
43 If an application is accepted, the applicant would be certified as a  
44 program participant for a period of four years. At the end of that  
45 period, the participant could apply to be recertified for subsequent  
46 four-year periods.

47 The Address Confidentiality Program for Reproductive Health  
48 Service Employees and Clients would provide the participant with a

1 designated address to be used as the participant's mailing address.  
2 The program would forward the participant's mail to the  
3 participant's actual address, while the actual address would remain  
4 confidential and available only to employees of the program and to  
5 law enforcement. The participant could use the designated address  
6 as the participant's work address and may request that any State or  
7 local agency use it as the participant's address. The agency would  
8 be required to accept the address as a program participant's address,  
9 unless the agency has demonstrated to the satisfaction of the  
10 commissioner that the agency has a bona fide statutory basis for  
11 requiring the program participant to disclose to it the actual location  
12 of the program participant, and the disclosed confidential address of  
13 the program participant will be used only for that statutory purpose  
14 and will not be disclosed or made available in any way to any other  
15 person or agency.

16 In addition to establishing the new Address Confidentiality  
17 Program for Reproductive Health Service Employees and Clients,  
18 the bill makes technical changes to the current statute governing the  
19 Address Confidentiality Program for domestic violence victims.  
20 P.L.1997, c.369, which enacted the Address Confidentiality  
21 Program for domestic violence victims, established the program in  
22 the Department of State. However, the program was subsequently  
23 transferred to the Department of Children and Families, and the bill  
24 conforms the statute to this current allocation. The bill also  
25 renames the current Address Confidentiality Program as the  
26 "Address Confidentiality Program for Domestic Violence Victims"  
27 in order to distinguish it from the program being created by this bill.