

FIRST REGULAR SESSION

HOUSE BILL NO. 610

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BAKER (25) (Sponsor), WRIGHT-JONES, LeVOTA, JOHNSON, RUCKER, BOWMAN, HODGES, HAYWOOD, DONNELLY, HARRIS (23), MOORE, McCLANAHAN, STEVENSON, TILLEY, STORCH, COOPER (155), WALSH, CHAPPELLE-NADAL, LOW (39), LOWE (44), DAUS, OXFORD, SWINGER, WITTE, LAMP AND DOUGHERTY (Co-sponsors).

Read 1st time January 25, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1144L.01I

AN ACT

To amend chapter 589, RSMo, by adding thereto nine new sections relating to address confidentiality for victims of domestic violence, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 589, RSMo, is amended by adding thereto nine new sections, to be
2 known as sections 589.660, 589.663, 589.666, 589.669, 589.672, 589.675, 589.678, 589.681,
3 and 589.683, to read as follows:

589.660. As used in sections 589.660 to 589.681, the following terms mean:

2 (1) "Address", a residential street address, school address, or work address of a
3 person, as specified on the person's application to be a program participant;

4 (2) "Application assistant", an employee of a state or local agency, or of a nonprofit
5 program that provides counseling, referral, shelter, or other specialized service to victims
6 of domestic violence, rape, sexual assault, or stalking, who has been designated by the
7 respective agency or program, and who has been trained and registered by the secretary
8 of state to assist individuals in the completion of program participation applications;

9 (3) "Designated address", the address assigned to a program participant by the
10 secretary;

11 (4) "Mailing address", an address that is recognized for delivery by the United
12 States Postal Service;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 13 (5) "Program", the address confidentiality program established in section 589.663;
14 (6) "Program participant", a person certified by the secretary of state as eligible
15 to participate in the address confidentiality program;
16 (7) "Secretary", secretary of state.

589.663. 1. There is created in the office of the secretary of state a program to be
2 known as the "Address Confidentiality Program" to protect victims of domestic violence,
3 rape, sexual assault, or stalking by authorizing the use of designated addresses for such
4 victims and their minor children. The program shall be administered by the secretary
5 under the following application and certification procedures:

- 6 (1) An adult person, a parent or guardian acting on behalf of a minor, or a
7 guardian acting on behalf of an incapacitated person may apply to the secretary to have
8 a designated address assigned by the secretary to serve as the person's address or the
9 address of the minor or incapacitated person;
10 (2) The secretary may approve an application only if it is filed with the office of the
11 secretary in the manner established by rule and on a form prescribed by the secretary. A
12 completed application shall contain:
13 (a) The application preparation date, the applicant's signature, and the signature
14 and registration number of the application assistant who assisted the applicant in applying
15 to be a program participant;
16 (b) A designation of the secretary as agent for purposes of service of process and
17 for receipt of first-class mail, legal documents, and certified mail;
18 (c) A sworn statement by the applicant that the applicant has good reason to believe
19 that he or she:
20 a. Is a victim of domestic violence, rape, sexual assault, or stalking; and
21 b. Fears further violent acts from his or her assailant;
22 (d) The mailing address where the applicant may be contacted by the secretary or
23 a designee and the telephone number or numbers where the applicant may be called by the
24 secretary or the secretary's designee; and
25 (e) One or more addresses that the applicant requests not be disclosed for the
26 reason that disclosure will jeopardize the applicant's safety or increase the risk of violence
27 to the applicant or members of the applicant's household;
28 (3) Upon receipt of a properly completed application, the secretary may certify the
29 applicant as a program participant. A program participant is certified for four years
30 following the date of initial certification unless the certification is withdrawn or cancelled
31 before that date. The secretary shall send notification of lapsing certification and a

32 reapplication form to a program participant at least four weeks prior to the expiration of
33 the program participant's certification;

34 (4) The secretary shall forward first-class mail, legal documents, and certified mail
35 to the appropriate program participants.

36 2. A person commits a class D felony if:

37 (1) An applicant knowingly files an application containing false or incorrect
38 information; or

39 (2) An applicant knowingly files a false claim stating that disclosure of the
40 applicant's address or mailing address threatens the safety of the applicant or the
41 applicant's children or the minor or incapacitated person on whose behalf the application
42 is made; or

43 (3) An application assistant knowingly assists or participates in the filing of an
44 application that contains false or incorrect information or contains a false claim that
45 disclosure of the applicant's address or mailing address threatens the safety of the
46 applicant or the applicant's children or the minor or incapacitated person on whose behalf
47 the application is made.

589.666. Certification of a program participant may be cancelled by the secretary
2 if one or more of the following conditions apply:

3 (1) If the program participant obtains a name change, unless the program
4 participant provides the secretary with documentation of a legal name change within ten
5 business days of the name change;

6 (2) If there is a change in the mailing address from the person listed on the
7 application, unless the program participant provides the secretary with notice of the
8 change in such manner as the secretary provides by rule; or

9 (3) The applicant or program participant violates subsection 2 of section 589.663.

589.669. Upon demonstration of a program participant's certification in the
2 program, state and local agencies and the courts shall accept the designated address as a
3 program participant's address when creating a new public record unless the secretary has
4 determined that:

5 (1) The agency has a bona fide statutory or administrative requirement for the use
6 of the program participant's address or mailing address, such that it is unable to fulfill its
7 statutory duties and obligations without the address; and

8 (2) The program participant's address or mailing address shall be used only for
9 those statutory and administrative purposes.

2 **589.672.** If the secretary deems it appropriate, the secretary may make a program
3 participant's address or mailing address available for inspection or copying, under the
4 following circumstances:

5 (1) If requested of the secretary by a law enforcement agency in the manner
6 provided for by rule; or

7 (2) Upon request to the secretary by a director of a state agency or the director's
8 designee in the manner provided for by rule and upon a showing of a bona fide statutory
9 or administrative requirement for the use of the program participant's address or mailing
10 address, such that the director or the director's designee is unable to fulfill statutory duties
and obligations without the address or mailing address.

2 **589.675.** If the secretary deems it appropriate, the secretary shall make a program
3 participant's address and mailing address available for inspection or copying under the
4 following circumstances:

5 (1) To a person identified in a court order, upon the secretary's receipt of such
6 court order that specifically orders the disclosure of a particular program participant's
7 address and mailing address and the reasons stated for the disclosure; or

8 (2) If the certification has been cancelled because the applicant or program
9 participant violated subsection 2 of section 589.663.

2 **589.678.** A program participant's application and supporting materials are not a
3 public record and shall be kept confidential by the secretary.

2 **589.681.** The secretary shall promulgate rules to establish and administer the
3 address confidentiality program. Any rule or portion of a rule, as that term is defined in
4 section 536.010, RSMo, that is created under the authority delegated in sections 589.660
5 to 589.681 shall become effective only if it complies with and is subject to all of the
6 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section
7 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
8 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to
9 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
10 rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be
invalid and void.

2 **589.683.** Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

3 (1) Any new program authorized under sections 589.660 to 589.681 shall
4 automatically sunset six years after the effective date of sections 589.660 to 589.681 unless
reauthorized by an act of the general assembly; and

5 (2) If such program is reauthorized, the program authorized under sections 589.660
6 to 589.681 shall automatically sunset twelve years after the effective date of the
7 reauthorization of sections 589.660 to 589.681; and

8 (3) Sections 589.660 to 589.681 shall terminate on September first of the calendar
9 year immediately following the calendar year in which a program authorized under
10 sections 589.660 to 589.681 is sunset.

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