

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

**CHAPTER 173**  
**HOUSE BILL 2302**

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-116.04; AMENDING SECTIONS 12-601, 16-153, 39-123 AND 39-124, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; RELATING TO ADDRESS CONFIDENTIALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 1, article 1, Arizona Revised Statutes,  
3 is amended by adding section 12-116.04, to read:

4 12-116.04. Address confidentiality program assessment

5 A. IN ADDITION TO ANY OTHER PENALTY, FINE, FEE OR ASSESSMENT  
6 AUTHORIZED BY LAW, A PERSON WHO IS CONVICTED OF AN OFFENSE INCLUDED IN TITLE  
7 13, CHAPTER 14 OR 35.1, STALKING PURSUANT TO SECTION 13-2923 OR A DOMESTIC  
8 VIOLENCE OFFENSE PURSUANT TO SECTION 13-3601 SHALL PAY AN ASSESSMENT OF FIFTY  
9 DOLLARS. THE COURT MAY WAIVE ALL OR A PORTION OF THE ASSESSMENT IF THE COURT  
10 FINDS THAT THE DEFENDANT IS UNABLE TO PAY ALL OR ANY PORTION OF THE  
11 ASSESSMENT.

12 B. THE CITY OR COUNTY TREASURER SHALL TRANSMIT NINETY-FIVE PER CENT OF  
13 THE MONIES COLLECTED PURSUANT TO SUBSECTION A OF THIS SECTION TO THE STATE  
14 TREASURER FOR DEPOSIT IN THE ADDRESS CONFIDENTIALITY PROGRAM FUND ESTABLISHED  
15 BY SECTION 41-159. THE CLERK OF THE COURT SHALL RETAIN FIVE PER CENT OF THE  
16 MONIES COLLECTED PURSUANT TO SUBSECTION A OF THIS SECTION FOR ADMINISTRATIVE  
17 COSTS.

18 Sec. 2. Section 12-601, Arizona Revised Statutes, is amended to read:

19 12-601. Application; venue; judgment; sealing of record

20 A. A person who desires to change the person's name and to adopt  
21 another name may file an application in the superior court in the county of  
22 the person's residence, setting forth reasons for the change of name and the  
23 name the person wishes to adopt. The court may enter judgment that the  
24 adopted name of the party be substituted for the original name. The court  
25 shall consider the criteria under subsection C of this section in determining  
26 whether to enter judgment that the adopted name of the party be substituted  
27 for the original name.

28 B. The parent, guardian ad litem or next friend of a minor may file an  
29 application for change of the name of the minor in the county of the minor's  
30 residence. The court shall consider the best interests of the minor and the  
31 criteria that apply to the minor under subsection C of this section in  
32 determining whether to enter judgment that the name of the minor be changed.

33 C. A person who files an application for change of name shall indicate  
34 under penalty of perjury:

35 1. If the person has been convicted of a felony.

36 2. If felony charges are pending in any jurisdiction against the  
37 person for any offense under title 13, chapter 18, 20, 21, 22, 23 or 27 or  
38 any other offense involving false statements or misrepresentations about the  
39 person's identity.

40 3. If the person is knowingly changing the person's name to that of  
41 another individual for the purpose of committing or furthering the commission  
42 of any offense under title 13, chapter 18, 20, 21, 22, 23 or 27 or any other  
43 offense involving false statements.

44 4. The person is making the application solely for the best interest  
45 of the person.

1           5. The person acknowledges that the change of name will not release  
2 the person from any obligations incurred or harm any rights of property or  
3 actions in the original name.

4           D. Notwithstanding any law to the contrary, a victim as defined in  
5 section 13-4401 or a prosecutor has standing to contest any legal name change  
6 at any time before the entry of judgment or up to one year after entry of  
7 judgment.

8           E. On entering a conviction for an offense under title 13, chapter 18,  
9 20, 21, 22, 23 or 27 or any other offense involving false statements or  
10 misrepresentations about the person's identity, the superior court may enter  
11 an order setting aside a change of name judgment or deny any pending  
12 application.

13           F. ON REQUEST OF A PERSON WHO FILES AN APPLICATION FOR A CHANGE OF  
14 NAME, THE COURT MAY SEAL THE CHANGE OF NAME APPLICATION AND JUDGMENT. THE  
15 INFORMATION IN THE APPLICATION AND JUDGMENT SHALL NOT BE DISCLOSED AND IS NOT  
16 A PUBLIC RECORD. A PERSON WHO OBTAINED A JUDGMENT ON OR AFTER JANUARY 1,  
17 2009 MAY REQUEST THAT THE COURT SEAL THE APPLICATION AND JUDGMENT PURSUANT TO  
18 THIS SUBSECTION. FOR THE PURPOSES OF THIS SUBSECTION, "PERSON" MEANS A  
19 PERSON WHO IS PROTECTED UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST  
20 HARASSMENT OR A PERSON WHO IS THE VICTIM OF AN OFFENSE INVOLVING STALKING AS  
21 PRESCRIBED IN SECTION 13-2923 OR AN OFFENSE COMMITTED IN ANOTHER JURISDICTION  
22 THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OR ATTEMPTED VIOLATION  
23 OF SECTION 13-2923.

24           Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:  
25           16-153. Voter registration; confidentiality; definitions

26           A. Eligible persons, and any other registered voter who resides at the  
27 same residence address as the eligible person, may request that the general  
28 public be prohibited from accessing the residential address, telephone number  
29 and voting precinct number contained in their voter registration record.

30           B. Eligible persons may request this action by filing an affidavit  
31 that states all of the following on an application form developed by the  
32 administrative office of the courts in agreement with an association of  
33 counties and an organization of peace officers:

34           1. The person's full legal name, residential address and date of  
35 birth.

36           2. The position the person currently holds and a description of the  
37 person's duties, except that an eligible person who is protected under an  
38 order of protection or injunction against harassment shall instead attach a  
39 copy of the order of protection or injunction against harassment.

40           3. The reasons for reasonably believing that the person's life or  
41 safety or that of another person is in danger and that sealing the  
42 residential address, telephone number and voting precinct number of the  
43 person's voting record will serve to reduce the danger.

1 C. The affidavit shall be filed with the presiding judge of the  
2 superior court in the county in which the affiant resides. To prevent a  
3 multiplicity of filings, an eligible person who is a peace officer,  
4 prosecutor, public defender, code enforcement officer, corrections or  
5 detention officer, corrections support staff member or law enforcement  
6 support staff member shall deliver the affidavit to the peace officer's  
7 commanding officer, or to the head of the prosecuting, public defender, code  
8 enforcement, law enforcement, corrections or detention agency, as applicable,  
9 or that person's designee, who shall file the affidavits at one time. In the  
10 absence of an affidavit that contains a request for immediate action and is  
11 supported by facts justifying an earlier presentation, the commanding  
12 officer, or the head of the prosecuting, public defender, code enforcement,  
13 law enforcement, corrections or detention agency, as applicable, or that  
14 person's designee, shall not file affidavits more often than quarterly.

15 D. Upon receipt of an affidavit or affidavits, the presiding judge of  
16 the superior court shall file with the clerk of the superior court a petition  
17 on behalf of all requesting affiants. The petition shall have attached each  
18 affidavit presented. In the absence of an affidavit that contains a request  
19 for immediate action and that is supported by facts justifying an earlier  
20 consideration, the presiding judge may accumulate affidavits and file a  
21 petition at the end of each quarter.

22 E. The presiding judge of the superior court shall review the petition  
23 and each attached affidavit to determine whether the action requested by each  
24 affiant should be granted. The presiding judge of the superior court shall  
25 order the sealing for five years of the information contained in the voter  
26 record of the affiant and, on request, any other registered voter who resides  
27 at the same residence address if the presiding judge concludes that this  
28 action will reduce a danger to the life or safety of the affiant.

29 F. The recorder shall remove the restrictions on all voter records  
30 submitted pursuant to subsection E of this section by January 5 in the year  
31 after the court order expires. The county recorder shall send by mail one  
32 notification to either the peace officer, public defender, prosecutor, code  
33 enforcement officer, corrections or detention officer, corrections support  
34 staff member or law enforcement support staff member or the employing agency  
35 of a peace officer, public defender, prosecutor, code enforcement officer,  
36 corrections or detention officer, corrections support staff member or law  
37 enforcement support staff member who was granted an order pursuant to this  
38 section of the order's expiration date at least six months before the  
39 expiration date. If the notice is sent to the employing agency, the  
40 employing agency shall immediately notify the person who was granted the  
41 order of the upcoming expiration date. The county recorder may coordinate  
42 with the county assessor and county treasurer to prevent multiple notices  
43 from being sent to the same person.

1           G. Upon entry of the court order, the clerk of the superior court  
2 shall file the court order with the county recorder. Upon receipt of the  
3 court order the county recorder shall seal the voter registration of the  
4 persons listed in the court order no later than one hundred twenty days from  
5 the date of receipt of the court order. To include a subsequent voter  
6 registration in the court order, a person listed in the court order shall  
7 present to the county recorder at the time of registration a certified copy  
8 of the court order or shall provide the county recorder the recording number  
9 of the court order. The information in the registration shall not be  
10 disclosed and is not a public record.

11           H. If the court denies an affiant's requested sealing of the voter  
12 registration record, the affiant may request a court hearing. The hearing  
13 shall be conducted by the court where the petition was filed.

14           I. On motion to the court, if the presiding judge of the superior  
15 court concludes that a voter registration record has been sealed in error or  
16 that the cause for the original affidavit no longer exists, the presiding  
17 judge may vacate the court order prohibiting public access to the voter  
18 registration record.

19           J. Upon request by a person who is protected under an order of  
20 protection or injunction against harassment and presentation of an order of  
21 protection issued pursuant to section 13-3602, an injunction against  
22 harassment issued pursuant to section 12-1809 or an order of protection or  
23 injunction against harassment issued by a court in another state, the county  
24 recorder shall seal the voter registration record of the person who is  
25 protected and, on request, any other registered voter who resides at the  
26 residence address of the protected person. The record shall be sealed no  
27 later than one hundred twenty days from the date of receipt of the court  
28 order. The information in the registration shall not be disclosed and is not  
29 a public record.

30           K. For the purposes of this section:

31           1. "Code enforcement officer" means a person who is employed by a  
32 state or local government and whose duties include performing field  
33 inspections of buildings, structures or property to ensure compliance with  
34 and enforce national, state and local laws, ordinances and codes.

35           2. "Commissioner" means a commissioner of the superior court.

36           3. "Corrections support staff member" means an adult or juvenile  
37 corrections employee who has direct contact with inmates.

38           4. "Eligible person" means a peace officer, **BORDER PATROL AGENT,**  
39 justice, judge, commissioner, public defender, prosecutor, code enforcement  
40 officer, adult or juvenile corrections officer, corrections support staff  
41 member, probation officer, member of the board of executive clemency, law  
42 enforcement support staff member, national guard member who is acting in  
43 support of a law enforcement agency, person who is protected under an order  
44 of protection or injunction against harassment or firefighter who is assigned  
45 to the Arizona counterterrorism center in the department of public safety.

1           5. "Judge" means a judge of the United States district court, the  
2 United States court of appeals, the United States magistrate court, the  
3 United States bankruptcy court, the Arizona court of appeals, the superior  
4 court or a municipal court.

5           6. "Justice" means a justice of the United States or Arizona supreme  
6 court or a justice of the peace.

7           7. "Law enforcement support staff member" means a person who serves in  
8 the role of an investigator or prosecutorial assistant in an agency that  
9 investigates or prosecutes crimes, who is integral to the investigation or  
10 prosecution of crimes and whose name or identity will be revealed in the  
11 course of public proceedings.

12           8. "Prosecutor" means a United States attorney, a county attorney, a  
13 municipal prosecutor or the attorney general and includes an assistant or  
14 deputy United States attorney, county attorney, municipal prosecutor or  
15 attorney general.

16           9. "Public defender" means a federal public defender, county public  
17 defender, county legal defender or county contract indigent defense counsel  
18 and includes an assistant or deputy federal public defender, county public  
19 defender or county legal defender.

20           Sec. 4. Section 39-123, Arizona Revised Statutes, is amended to read:

21           39-123. Information identifying eligible persons;  
22                           confidentiality; definitions

23           A. Nothing in this chapter requires disclosure from a personnel file  
24 by a law enforcement agency or employing state or local governmental entity  
25 of the home address or home telephone number of eligible persons.

26           B. The agency or governmental entity may release the information in  
27 subsection A of this section only if either:

28           1. The person consents in writing to the release.

29           2. The custodian of records of the agency or governmental entity  
30 determines that release of the information does not create a reasonable risk  
31 of physical injury to the person or the person's immediate family or damage  
32 to the property of the person or the person's immediate family.

33           C. A law enforcement agency may release a photograph of a peace  
34 officer if either:

35           1. The peace officer has been arrested or has been formally charged by  
36 complaint, information or indictment for a misdemeanor or a felony offense.

37           2. The photograph is requested by a representative of a newspaper for  
38 a specific newsworthy event unless:

39           (a) The peace officer is serving in an undercover capacity or is  
40 scheduled to be serving in an undercover capacity within sixty days.

41           (b) The release of the photograph is not in the best interest of this  
42 state after taking into consideration the privacy, confidentiality and safety  
43 of the peace officer.

44           (c) An order pursuant to section 28-454 is in effect.

45           D. This section does not prohibit the use of a peace officer's  
46 photograph that is either:

- 1           1. Used by a law enforcement agency to assist a person who has a  
2 complaint against an officer to identify the officer.
- 3           2. Obtained from a source other than the law enforcement agency.
- 4           E. This section does not apply to a certified peace officer or code  
5 enforcement officer who is no longer employed as a peace officer or code  
6 enforcement officer by a state or local government entity.
- 7           F. For the purposes of this section:
- 8           1. "Code enforcement officer" means a person who is employed by a  
9 state or local government and whose duties include performing field  
10 inspections of buildings, structures or property to ensure compliance with  
11 and enforce national, state and local laws, ordinances and codes.
- 12           2. "Commissioner" means a commissioner of the superior court.
- 13           3. "Corrections support staff member" means an adult or juvenile  
14 corrections employee who has direct contact with inmates.
- 15           4. "Eligible person" means a peace officer, **BORDER PATROL AGENT**,  
16 justice, judge, commissioner, public defender, prosecutor, code enforcement  
17 officer, adult or juvenile corrections officer, corrections support staff  
18 member, probation officer, member of the board of executive clemency, law  
19 enforcement support staff member, national guard member who is acting in  
20 support of a law enforcement agency, person who is protected under an order  
21 of protection or injunction against harassment, firefighter who is assigned  
22 to the Arizona counterterrorism center in the department of public safety or  
23 victim of domestic violence or stalking who is protected under an order of  
24 protection or injunction against harassment.
- 25           5. "Judge" means a judge of the United States district court, the  
26 United States court of appeals, the United States magistrate court, the  
27 United States bankruptcy court, the Arizona court of appeals, the superior  
28 court or a municipal court.
- 29           6. "Justice" means a justice of the United States or Arizona supreme  
30 court or a justice of the peace.
- 31           7. "Law enforcement support staff member" means a person who serves in  
32 the role of an investigator or prosecutorial assistant in an agency that  
33 investigates or prosecutes crimes, who is integral to the investigation or  
34 prosecution of crimes and whose name or identity will be revealed in the  
35 course of public proceedings.
- 36           8. "Peace officer" has the same meaning prescribed in section 13-105.
- 37           9. "Prosecutor" means a county attorney, a municipal prosecutor, the  
38 attorney general or a United States attorney and includes an assistant or  
39 deputy United States attorney, county attorney, municipal prosecutor or  
40 attorney general.
- 41           10. "Public defender" means a federal public defender, county public  
42 defender, county legal defender or county contract indigent defense counsel  
43 and includes an assistant or deputy federal public defender, county public  
44 defender or county legal defender.
- 45           Sec. 5. Section 39-124, Arizona Revised Statutes, is amended to read:

1           39-124. Releasing information identifying an eligible person:  
2                                   violations: classification: definitions

3           A. Any person who is employed by a state or local government entity  
4 and who, in violation of section 39-123, knowingly releases the home address  
5 or home telephone number of an eligible person with the intent to hinder an  
6 investigation, cause physical injury to an eligible person or the eligible  
7 person's immediate family or cause damage to the property of an eligible  
8 person or the eligible person's immediate family is guilty of a class 6  
9 felony.

10          B. Any person who is employed by a state or local government entity  
11 and who, in violation of section 39-123, knowingly releases a photograph of a  
12 peace officer with the intent to hinder an investigation, cause physical  
13 injury to a peace officer or the peace officer's immediate family or cause  
14 damage to the property of a peace officer or the peace officer's immediate  
15 family is guilty of a class 6 felony.

16          C. For the purposes of this section:

17           1. "Code enforcement officer" means a person who is employed by a  
18 state or local government and whose duties include performing field  
19 inspections of buildings, structures or property to ensure compliance with  
20 and enforce national, state and local laws, ordinances and codes.

21           2. "Commissioner" means a commissioner of the superior court.

22           3. "Corrections support staff member" means an adult or juvenile  
23 corrections employee who has direct contact with inmates.

24           4. "Eligible person" means a peace officer, **BORDER PATROL AGENT,**  
25 justice, judge, commissioner, public defender, prosecutor, code enforcement  
26 officer, adult or juvenile corrections officer, corrections support staff  
27 member, probation officer, member of the board of executive clemency, law  
28 enforcement support staff member, national guard member who is acting in  
29 support of a law enforcement agency, person who is protected under an order  
30 of protection or injunction against harassment, firefighter who is assigned  
31 to the Arizona counterterrorism center in the department of public safety or  
32 victim of domestic violence or stalking who is protected under an order of  
33 protection or injunction against harassment.

34           5. "Judge" means a judge of the United States district court, the  
35 United States court of appeals, the United States magistrate court, the  
36 United States bankruptcy court, the Arizona court of appeals, the superior  
37 court or a municipal court.

38           6. "Justice" means a justice of the United States or Arizona supreme  
39 court or a justice of the peace.

40           7. "Law enforcement support staff member" means a person who serves in  
41 the role of an investigator or prosecutorial assistant in an agency that  
42 investigates or prosecutes crimes, who is integral to the investigation or  
43 prosecution of crimes and whose name or identity will be revealed in the  
44 course of public proceedings.

45           8. "Peace officer" has the same meaning prescribed in section 13-105.



1           9. "Prosecutor" means a county attorney, a municipal prosecutor, the  
2 attorney general or a United States attorney and includes an assistant or  
3 deputy United States attorney, county attorney, municipal prosecutor or  
4 attorney general.

5           10. "Public defender" means a federal public defender, county public  
6 defender, county legal defender or county contract indigent defense counsel  
7 and includes an assistant or deputy federal public defender, county public  
8 defender or county legal defender.

9           Sec. 6. Title 41, chapter 1, Arizona Revised Statutes, is amended by  
10 adding article 3, to read:

11                           ARTICLE 3. ADDRESS CONFIDENTIALITY PROGRAM

12           41-151. Definitions

13           IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

14           1. "ACTUAL ADDRESS" MEANS A RESIDENTIAL, WORK OR SCHOOL ADDRESS AS  
15 SPECIFIED ON THE INDIVIDUAL'S APPLICATION TO BE A PROGRAM PARTICIPANT AND  
16 INCLUDES THE COUNTY AND VOTING PRECINCT NUMBER.

17           2. "ADDRESS CONFIDENTIALITY PROGRAM" MEANS THE PROGRAM ESTABLISHED  
18 PURSUANT TO THIS ARTICLE IN THE OFFICE OF THE SECRETARY OF STATE TO PROTECT  
19 THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF A RELOCATED VICTIM OF DOMESTIC  
20 VIOLENCE, A SEXUAL OFFENSE OR STALKING.

21           3. "APPLICANT" MEANS AN INDIVIDUAL IDENTIFIED AS SUCH IN AN  
22 APPLICATION RECEIVED BY THE SECRETARY OF STATE PURSUANT TO SECTION 41-153.

23           4. "APPLICATION ASSISTANT" MEANS A PERSON DESIGNATED BY THE SECRETARY  
24 OF STATE TO ASSIST AN APPLICANT IN THE PREPARATION OF AN APPLICATION TO  
25 PARTICIPATE IN THE ADDRESS CONFIDENTIALITY PROGRAM.

26           5. "DOMESTIC VIOLENCE" HAS THE SAME MEANING PRESCRIBED IN SECTION  
27 13-3601.

28           6. "PROGRAM PARTICIPANT" MEANS AN INDIVIDUAL ACCEPTED INTO THE ADDRESS  
29 CONFIDENTIALITY PROGRAM.

30           7. "PUBLIC RECORD" MEANS ALL DOCUMENTS, PAPERS, LETTERS, MAPS, BOOKS,  
31 PHOTOGRAPHS, FILMS, SOUND RECORDINGS, MAGNETIC OR OTHER TAPES, DIGITAL DATA,  
32 ARTIFACTS OR OTHER DOCUMENTARY MATERIAL, REGARDLESS OF PHYSICAL FORM OR  
33 CHARACTERISTICS, MADE OR RECEIVED PURSUANT TO LAW OR ORDINANCE IN CONNECTION  
34 WITH THE TRANSACTION OF PUBLIC BUSINESS BY A STATE OR LOCAL GOVERNMENT  
35 ENTITY.

36           8. "SEXUAL OFFENSE" MEANS AN OFFENSE INCLUDED IN TITLE 13, CHAPTER 14  
37 OR 35.1.

38           9. "STALKING" MEANS AN OFFENSE PRESCRIBED IN SECTION 13-2923.

39           10. "STATE OR LOCAL GOVERNMENT ENTITY" MEANS EVERY ELECTED OR APPOINTED  
40 STATE OR LOCAL PUBLIC OFFICE, PUBLIC OFFICER OR OFFICIAL, BOARD, COMMISSION,  
41 BUREAU, COMMITTEE, COUNCIL, DEPARTMENT, AUTHORITY, AGENCY, INSTITUTION OF  
42 HIGHER EDUCATION OR OTHER UNIT OF THE EXECUTIVE, LEGISLATIVE OR JUDICIAL  
43 BRANCH OF THIS STATE OR ANY CITY, TOWN, COUNTY, SCHOOL DISTRICT OR OTHER KIND  
44 OF MUNICIPAL, QUASI-MUNICIPAL OR PUBLIC CORPORATION BUT DOES NOT INCLUDE AN  
45 AGRICULTURAL IMPROVEMENT DISTRICT.

1 11. "SUBSTITUTE ADDRESS" MEANS AN ADDRESS THAT IS DESIGNATED BY THE  
2 SECRETARY OF STATE UNDER THE ADDRESS CONFIDENTIALITY PROGRAM AND THAT IS USED  
3 INSTEAD OF AN ACTUAL ADDRESS.

4 41-152. Address confidentiality; duties of secretary of state;  
5 application assistant; program termination

6 A. ON OR BEFORE DECEMBER 31, 2012, THE SECRETARY OF STATE SHALL  
7 ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM TO ALLOW PERSONS WHO HAVE BEEN  
8 SUBJECTED TO DOMESTIC VIOLENCE OFFENSES, SEXUAL OFFENSES OR STALKING TO KEEP  
9 THEIR RESIDENCE ADDRESSES CONFIDENTIAL AND NOT ACCESSIBLE TO THE GENERAL  
10 PUBLIC. PARTICIPANTS IN THE PROGRAM SHALL RECEIVE A SUBSTITUTE ADDRESS THAT  
11 BECOMES THE PARTICIPANT'S LAWFUL ADDRESS OF RECORD.

12 B. THE SECRETARY OF STATE SHALL:

13 1. DESIGNATE A SUBSTITUTE ADDRESS FOR A PROGRAM PARTICIPANT THAT IS  
14 USED BY STATE AND LOCAL GOVERNMENT ENTITIES AS SET FORTH IN THIS SECTION.

15 2. RECEIVE MAIL SENT TO A PROGRAM PARTICIPANT AT A SUBSTITUTE ADDRESS  
16 AND FORWARD THE MAIL TO THE PROGRAM PARTICIPANT AS SET FORTH IN PARAGRAPH 3  
17 OF THIS SUBSECTION.

18 3. RECEIVE FIRST-CLASS, CERTIFIED OR REGISTERED MAIL ON BEHALF OF A  
19 PROGRAM PARTICIPANT AND FORWARD THE MAIL TO THE PROGRAM PARTICIPANT FOR NO  
20 CHARGE. THE SECRETARY OF STATE MAY ARRANGE TO RECEIVE AND FORWARD OTHER  
21 CLASSES OR KINDS OF MAIL AT THE PROGRAM PARTICIPANT'S EXPENSE. THE SECRETARY  
22 OF STATE IS NOT REQUIRED TO TRACK OR OTHERWISE MAINTAIN RECORDS OF ANY MAIL  
23 RECEIVED ON BEHALF OF A PROGRAM PARTICIPANT UNLESS THE MAIL IS CERTIFIED OR  
24 REGISTERED MAIL.

25 C. NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED BY COURT RULE,  
26 A PROGRAM PARTICIPANT MAY BE SERVED BY REGISTERED MAIL OR BY CERTIFIED MAIL,  
27 RETURN RECEIPT REQUESTED, ADDRESSED TO THE PROGRAM PARTICIPANT AT THE PROGRAM  
28 PARTICIPANT'S SUBSTITUTE ADDRESS WITH ANY PROCESS, NOTICE OR DEMAND REQUIRED  
29 OR PERMITTED BY LAW TO BE SERVED ON THE PROGRAM PARTICIPANT. THIS SUBSECTION  
30 DOES NOT PRESCRIBE THE ONLY MEANS, OR NECESSARILY THE REQUIRED MEANS, OF  
31 SERVING A PROGRAM PARTICIPANT IN THIS STATE.

32 D. THE SECRETARY OF STATE MAY DESIGNATE AS AN APPLICATION ASSISTANT  
33 ANY PERSON WHO:

34 1. PROVIDES COUNSELING, REFERRAL OR OTHER SERVICES TO VICTIMS OF  
35 DOMESTIC VIOLENCE, A SEXUAL OFFENSE OR STALKING.

36 2. COMPLETES ANY TRAINING AND REGISTRATION PROCESS REQUIRED BY THE  
37 SECRETARY OF STATE.

38 E. ANY ASSISTANCE AND COUNSELING RENDERED BY THE SECRETARY OF STATE OR  
39 AN APPLICATION ASSISTANT TO AN APPLICANT RELATED TO THIS SECTION IS NOT LEGAL  
40 ADVICE.

41 F. THE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE ENDS ON JULY 1,  
42 2021 PURSUANT TO SECTION 41-3102.

43 41-153. Filing and certification of applications; authorization  
44 cards

45 A. BEGINNING NO LATER THAN DECEMBER 31, 2012, ON THE RECOMMENDATION OF  
46 AN APPLICATION ASSISTANT, AN INDIVIDUAL MAY APPLY TO THE SECRETARY OF STATE

1 TO PARTICIPATE IN THE ADDRESS CONFIDENTIALITY PROGRAM. THE FOLLOWING  
2 INDIVIDUALS MAY APPLY TO THE SECRETARY OF STATE TO HAVE AN ADDRESS DESIGNATED  
3 BY THE SECRETARY OF STATE TO SERVE AS THE SUBSTITUTE ADDRESS OF THE  
4 INDIVIDUAL AND ANY INDIVIDUALS IDENTIFIED PURSUANT TO SUBSECTION C,  
5 PARAGRAPH 10:

6 1. AN ADULT INDIVIDUAL.

7 2. A PARENT OR GUARDIAN ACTING ON BEHALF OF A MINOR IF THE MINOR  
8 RESIDES WITH THE INDIVIDUAL.

9 3. A GUARDIAN ACTING ON BEHALF OF AN INCAPACITATED INDIVIDUAL.

10 B. AN APPLICATION ASSISTANT SHALL ASSIST THE INDIVIDUAL IN THE  
11 PREPARATION OF THE APPLICATION. THE APPLICATION SHALL BE DATED, SIGNED AND  
12 VERIFIED BY THE APPLICANT AND SHALL BE SIGNED AND DATED BY THE APPLICATION  
13 ASSISTANT WHO ASSISTED IN THE PREPARATION OF THE APPLICATION. THE SIGNATURE  
14 OF THE APPLICATION ASSISTANT SERVES AS THE RECOMMENDATION BY THE APPLICATION  
15 ASSISTANT THAT THE APPLICANT HAVE AN ADDRESS DESIGNATED BY THE SECRETARY OF  
16 STATE TO SERVE AS THE SUBSTITUTE ADDRESS OF THE APPLICANT. A MINOR OR  
17 INCAPACITATED INDIVIDUAL ON WHOSE BEHALF A PARENT OR GUARDIAN COMPLETES AN  
18 APPLICATION PURSUANT TO THE AUTHORITY SET FORTH IN SUBSECTION A, PARAGRAPH 1  
19 OR 2 IS CONSIDERED THE APPLICANT, BUT ANY STATEMENTS THAT ARE REQUIRED TO BE  
20 MADE BY THE APPLICANT SHALL BE MADE BY THE PARENT OR GUARDIAN ACTING ON  
21 BEHALF OF THE MINOR OR INCAPACITATED INDIVIDUAL.

22 C. THE APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE SECRETARY OF  
23 STATE AND SHALL CONTAIN ALL OF THE FOLLOWING:

24 1. THE APPLICANT'S NAME.

25 2. A STATEMENT BY THE APPLICANT THAT THE APPLICANT IS A VICTIM OF  
26 DOMESTIC VIOLENCE, A SEXUAL OFFENSE OR STALKING AND THAT THE APPLICANT FEARS  
27 FOR THE APPLICANT'S SAFETY.

28 3. EVIDENCE THAT THE APPLICANT IS A VICTIM OF DOMESTIC VIOLENCE, A  
29 SEXUAL OFFENSE OR STALKING. THIS EVIDENCE SHALL INCLUDE AT LEAST ONE OF THE  
30 FOLLOWING:

31 (a) LAW ENFORCEMENT, COURT OR OTHER STATE OR LOCAL GOVERNMENT ENTITY  
32 OR FEDERAL AGENCY RECORDS OR FILES.

33 (b) DOCUMENTATION FROM A DOMESTIC VIOLENCE PROGRAM OR FACILITY,  
34 INCLUDING A BATTERED WOMEN'S SHELTER OR SAFE HOUSE, IF THE APPLICANT IS  
35 ALLEGED TO BE A VICTIM OF DOMESTIC VIOLENCE.

36 (c) DOCUMENTATION FROM A SEXUAL ASSAULT PROGRAM IF THE APPLICANT IS  
37 ALLEGED TO BE A VICTIM OF A SEXUAL OFFENSE.

38 (d) DOCUMENTATION FROM A RELIGIOUS, MEDICAL OR OTHER PROFESSIONAL FROM  
39 WHOM THE APPLICANT HAS SOUGHT ASSISTANCE IN DEALING WITH THE ALLEGED DOMESTIC  
40 VIOLENCE, SEXUAL OFFENSE OR STALKING.

41 4. A STATEMENT BY THE APPLICANT THAT DISCLOSURE OF THE APPLICANT'S  
42 ACTUAL ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY.

43 5. A STATEMENT BY THE APPLICANT THAT THE APPLICANT HAS CONFIDENTIALLY  
44 RELOCATED IN THE PAST NINETY DAYS OR WILL CONFIDENTIALLY RELOCATE IN THIS  
45 STATE.



1           A. A PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE WITHIN  
2 THIRTY DAYS AFTER THE PROGRAM PARTICIPANT HAS OBTAINED A LEGAL NAME CHANGE BY  
3 PROVIDING THE SECRETARY OF STATE A CERTIFIED COPY OF ANY JUDGMENT OR ORDER  
4 EVIDENCING THE CHANGE OR ANY OTHER DOCUMENTATION THE SECRETARY OF STATE DEEMS  
5 TO BE SUFFICIENT EVIDENCE OF THE NAME CHANGE.

6           B. A PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE OF A  
7 CHANGE IN ADDRESS OR TELEPHONE NUMBER FROM THE ADDRESS OR TELEPHONE NUMBER  
8 LISTED FOR THE PROGRAM PARTICIPANT ON THE APPLICATION PURSUANT TO SECTION  
9 41-153, SUBSECTION C NO LATER THAN SEVEN DAYS AFTER THE CHANGE OCCURS.

10          C. THE CERTIFICATION OF A PROGRAM PARTICIPANT SHALL BE CANCELED UNDER  
11 ANY OF THE FOLLOWING CIRCUMSTANCES:

12           1. THE PROGRAM PARTICIPANT FILES A REQUEST FOR WITHDRAWAL OF THE  
13 CERTIFICATION PURSUANT TO SECTION 41-153, SUBSECTION E.

14           2. THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE SECRETARY OF STATE OF A  
15 CHANGE IN THE PROGRAM PARTICIPANT'S NAME, ADDRESS OR TELEPHONE NUMBER LISTED  
16 ON THE APPLICATION PURSUANT TO THIS SECTION.

17           3. THE PROGRAM PARTICIPANT OR PARENT OR GUARDIAN WHO COMPLETES AN  
18 APPLICATION ON BEHALF OF AN APPLICANT KNOWINGLY SUBMITTED FALSE INFORMATION  
19 IN THE PROGRAM APPLICATION.

20           4. MAIL FORWARDED TO THE PROGRAM PARTICIPANT BY THE SECRETARY OF STATE  
21 IS RETURNED AS UNDELIVERABLE.

22          D. IF THE SECRETARY OF STATE DETERMINES THAT THERE IS ONE OR MORE  
23 GROUNDS FOR CANCELING CERTIFICATION OF A PROGRAM PARTICIPANT PURSUANT TO  
24 SUBSECTION C OF THIS SECTION, THE SECRETARY OF STATE SHALL SEND NOTICE OF  
25 CANCELLATION TO THE PROGRAM PARTICIPANT. THE NOTICE OF CANCELLATION SHALL  
26 SET FORTH THE REASONS FOR CANCELLATION. THE PROGRAM PARTICIPANT HAS THIRTY  
27 DAYS TO APPEAL THE CANCELLATION DECISION UNDER RULES ADOPTED BY THE SECRETARY  
28 OF STATE.

29          E. AN INDIVIDUAL WHO CEASES TO BE A PROGRAM PARTICIPANT IS RESPONSIBLE  
30 FOR NOTIFYING ANY PERSON WHO USES THE SUBSTITUTE ADDRESS THAT THE DESIGNATED  
31 SUBSTITUTE ADDRESS IS NO LONGER VALID.

32          41-155. Disclosure of actual address prohibited; violation;  
33 classification

34          A. THE SECRETARY OF STATE SHALL NOT DISCLOSE ANY ADDRESS OR TELEPHONE  
35 NUMBER OF A PROGRAM PARTICIPANT OTHER THAN THE SUBSTITUTE ADDRESS DESIGNATED  
36 BY THE SECRETARY OF STATE, EXCEPT UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

37           1. THE INFORMATION IS REQUIRED BY DIRECTION OF A COURT ORDER, EXCEPT  
38 THAT ANY PERSON TO WHOM A PROGRAM PARTICIPANT'S ADDRESS OR TELEPHONE NUMBER  
39 HAS BEEN DISCLOSED SHALL NOT DISCLOSE THE ADDRESS OR TELEPHONE NUMBER TO ANY  
40 OTHER PERSON UNLESS PERMITTED TO DO SO BY ORDER OF THE COURT OR AS OTHERWISE  
41 PROVIDED BY LAW.

42           2. THE SECRETARY OF STATE GRANTS A REQUEST BY A STATE OR LOCAL  
43 GOVERNMENT ENTITY PURSUANT TO SECTION 41-157, SUBSECTION D.

44          B. THE SECRETARY OF STATE SHALL PROVIDE IMMEDIATE NOTIFICATION OF  
45 DISCLOSURE TO A PROGRAM PARTICIPANT IF DISCLOSURE IS MADE PURSUANT TO  
46 SUBSECTION A OF THIS SECTION.

1 C. IF, AT THE TIME OF APPLICATION, AN APPLICANT OR AN INDIVIDUAL  
2 IDENTIFIED PURSUANT TO SECTION 41-153, SUBSECTION C, PARAGRAPH 10 IS SUBJECT  
3 TO A COURT ORDER RELATED TO DISSOLUTION OF MARRIAGE PROCEEDINGS, CHILD  
4 SUPPORT OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME, THE  
5 SECRETARY OF STATE SHALL NOTIFY THE COURT THAT ISSUED THE ORDER OF THE  
6 CERTIFICATION OF THE PROGRAM PARTICIPANT IN THE ADDRESS CONFIDENTIALITY  
7 PROGRAM AND THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE. IF,  
8 AT THE TIME OF APPLICATION, AN APPLICANT OR AN INDIVIDUAL IDENTIFIED PURSUANT  
9 TO SECTION 41-153, SUBSECTION C, PARAGRAPH 10 IS INVOLVED IN A COURT ACTION  
10 RELATED TO DISSOLUTION OF MARRIAGE PROCEEDINGS, CHILD SUPPORT OR THE  
11 ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME, THE SECRETARY OF  
12 STATE SHALL NOTIFY THE COURT HAVING JURISDICTION OVER THE ACTION OF THE  
13 CERTIFICATION OF THE APPLICANT IN THE ADDRESS CONFIDENTIALITY PROGRAM AND THE  
14 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE.

15 D. A PERSON SHALL NOT INTENTIONALLY OR KNOWINGLY OBTAIN A PROGRAM  
16 PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM THE SECRETARY OF STATE  
17 OR A STATE OR LOCAL GOVERNMENT ENTITY KNOWING THAT THE PERSON IS NOT  
18 AUTHORIZED TO OBTAIN THE ADDRESS INFORMATION.

19 E. AN EMPLOYEE OF THE SECRETARY OF STATE OR A STATE OR LOCAL  
20 GOVERNMENT ENTITY SHALL NOT INTENTIONALLY OR KNOWINGLY DISCLOSE A PROGRAM  
21 PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER UNLESS THE DISCLOSURE IS  
22 PERMISSIBLE BY LAW. THIS SUBSECTION ONLY APPLIES IF AN EMPLOYEE OBTAINS A  
23 PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER DURING THE COURSE OF  
24 THE EMPLOYEE'S OFFICIAL DUTIES AND, AT THE TIME OF DISCLOSURE, THE EMPLOYEE  
25 HAS SPECIFIC KNOWLEDGE THAT THE ACTUAL ADDRESS OR TELEPHONE NUMBER DISCLOSED  
26 BELONGS TO A PROGRAM PARTICIPANT.

27 F. ANY PERSON WHO INTENTIONALLY OR KNOWINGLY OBTAINS OR DISCLOSES  
28 INFORMATION IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

29 41-156. Address use by state or local government entities

30 A. THE PROGRAM PARTICIPANT, AND NOT THE SECRETARY OF STATE, IS  
31 RESPONSIBLE FOR REQUESTING THAT A STATE OR LOCAL GOVERNMENT ENTITY USE THE  
32 PROGRAM PARTICIPANT'S SUBSTITUTE ADDRESS AS THE PROGRAM PARTICIPANT'S  
33 RESIDENTIAL, WORK OR SCHOOL ADDRESS FOR ALL PURPOSES FOR WHICH THE STATE OR  
34 LOCAL GOVERNMENT ENTITY REQUIRES OR REQUESTS THE RESIDENTIAL, WORK OR SCHOOL  
35 ADDRESS.

36 B. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR UNLESS THE  
37 SECRETARY OF STATE GRANTS A STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST FOR  
38 DISCLOSURE PURSUANT TO SECTION 41-157, IF A PROGRAM PARTICIPANT SUBMITS A  
39 CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD TO THE  
40 STATE OR LOCAL GOVERNMENT ENTITY, THE STATE OR LOCAL GOVERNMENT ENTITY SHALL  
41 ACCEPT THE SUBSTITUTE ADDRESS DESIGNATION ON THE CARD AS THE PROGRAM  
42 PARTICIPANT'S ADDRESS FOR USE AS THE PROGRAM PARTICIPANT'S RESIDENTIAL, WORK  
43 OR SCHOOL ADDRESS WHEN CREATING A NEW PUBLIC RECORD. THE SUBSTITUTE ADDRESS  
44 GIVEN TO THE STATE OR LOCAL GOVERNMENT ENTITY IS CONSIDERED THE LAST KNOWN  
45 ADDRESS FOR THE PROGRAM PARTICIPANT USED BY THE STATE OR LOCAL GOVERNMENT  
46 ENTITY UNTIL THE TIME THAT THE STATE OR LOCAL GOVERNMENT ENTITY RECEIVES

1 NOTIFICATION PURSUANT TO SECTION 41-154. THE STATE OR LOCAL GOVERNMENT  
2 ENTITY MAY MAKE A PHOTOCOPY OF THE CARD FOR THE RECORDS OF THE STATE OR LOCAL  
3 GOVERNMENT ENTITY AND SHALL IMMEDIATELY RETURN THE CARD TO THE PROGRAM  
4 PARTICIPANT.

5 C. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR BY ORDER OF THE  
6 COURT, IF A PROGRAM PARTICIPANT SUBMITS A CURRENT AND VALID ADDRESS  
7 CONFIDENTIALITY PROGRAM AUTHORIZATION CARD TO THE COURT, THE COURT SHALL  
8 ACCEPT THE SUBSTITUTE ADDRESS DESIGNATION ON THE CARD AS THE PROGRAM  
9 PARTICIPANT'S ADDRESS FOR USE AS THE PROGRAM PARTICIPANT'S RESIDENTIAL, WORK  
10 OR SCHOOL ADDRESS. THE SUBSTITUTE ADDRESS GIVEN TO THE COURT IS CONSIDERED  
11 THE LAST KNOWN ADDRESS FOR THE PROGRAM PARTICIPANT USED BY THE COURT UNTIL  
12 THE TIME THAT THE COURT RECEIVES NOTIFICATION PURSUANT TO SECTION 41-154.  
13 THE COURT MAY MAKE A PHOTOCOPY OF THE CARD FOR THE COURT FILE AND SHALL  
14 RETURN THE CARD TO THE PROGRAM PARTICIPANT.

15 D. THE SECRETARY OF STATE SHALL SEND NOTICE TO THE APPROPRIATE COUNTY  
16 ELECTION OFFICIAL AND RECORDER WHEN A PERSON BECOMES A PROGRAM PARTICIPANT SO  
17 THAT THE PARTICIPANT'S ADDRESS CAN BE KEPT CONFIDENTIAL IN THE SAME MANNER AS  
18 PRESCRIBED BY SECTION 16-153. BEFORE SENDING THE NOTICE, THE SECRETARY OF  
19 STATE SHALL CHECK THE STATEWIDE DATABASE TO DETERMINE WHETHER THE  
20 PARTICIPANT'S ADDRESS IS ALREADY PROTECTED AS PRESCRIBED BY SECTION 16-153.  
21 IF A PROGRAM PARTICIPANT WOULD LIKE TO REGISTER TO VOTE, OTHER THAN ONLINE OR  
22 AT A DRIVER LICENSE EXAMINATION FACILITY, THE PARTICIPANT SHALL PRESENT A  
23 COMPLETED FORM WITH THE PARTICIPANT'S SUBSTITUTE ADDRESS AND ADDRESS  
24 CONFIDENTIALITY PROGRAM CARD TO THE APPROPRIATE ELECTION OFFICIAL. THE  
25 PROGRAM PARTICIPANT SHALL PROVIDE THE ELECTION OFFICIAL WITH THE  
26 PARTICIPANT'S ACTUAL PHYSICAL ADDRESS FOR PRECINCT PURPOSES.

27 E. A DESIGNATED ELECTION OFFICIAL SHALL USE THE ACTUAL ADDRESS OF A  
28 PROGRAM PARTICIPANT FOR PRECINCT DESIGNATION AND ALL OFFICIAL  
29 ELECTION-RELATED PURPOSES AND SHALL KEEP THE PROGRAM PARTICIPANT'S ACTUAL  
30 ADDRESS CONFIDENTIAL FROM THE PUBLIC. THE ELECTION OFFICIAL SHALL USE THE  
31 SUBSTITUTE ADDRESS FOR ALL CORRESPONDENCE AND MAILINGS PLACED IN THE UNITED  
32 STATES MAIL. THE SUBSTITUTE ADDRESS SHALL NOT BE USED AS AN ADDRESS FOR  
33 VOTER REGISTRATION.

34 F. A STATE OR LOCAL GOVERNMENT ENTITY'S ACCESS TO A PROGRAM  
35 PARTICIPANT'S VOTER REGISTRATION SHALL BE GOVERNED BY THE DISCLOSURE PROCESS  
36 SET FORTH IN SECTION 41-157.

37 G. THIS SECTION APPLIES ONLY TO A PROGRAM PARTICIPANT WHO SUBMITS A  
38 CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD WHEN  
39 REGISTERING TO VOTE.

40 H. A PROGRAM PARTICIPANT WHO COMPLETES AN APPLICATION TO REGISTER TO  
41 VOTE AT A DRIVER LICENSE EXAMINATION FACILITY WHILE RECEIVING A DRIVER  
42 LICENSE OR AN IDENTIFICATION CARD IS REQUIRED TO HAVE THE PROGRAM  
43 PARTICIPANT'S ACTUAL ADDRESS ON THE DRIVER LICENSE OR IDENTIFICATION CARD. A  
44 PROGRAM PARTICIPANT WHOSE DRIVER LICENSE HAS THE SUBSTITUTE ADDRESS MAY  
45 REGISTER TO VOTE, IF OTHERWISE ELIGIBLE, PURSUANT TO SUBSECTION E OF THIS  
46 SECTION.

1 I. THE SUBSTITUTE ADDRESS SHALL NOT BE USED FOR PURPOSES OF LISTING,  
2 APPRAISING OR ASSESSING PROPERTY TAXES AND COLLECTING PROPERTY TAXES.

3 J. IF A PROGRAM PARTICIPANT IS REQUIRED BY LAW TO SWEAR OR AFFIRM TO  
4 THE PROGRAM PARTICIPANT'S ADDRESS, THE PROGRAM PARTICIPANT MAY USE THE  
5 PARTICIPANT'S SUBSTITUTE ADDRESS.

6 K. THE SUBSTITUTE ADDRESS SHALL NOT BE USED FOR PURPOSES OF ASSESSING  
7 ANY TAXES OR FEES ON A MOTOR VEHICLE OR FOR TITLING OR REGISTERING A MOTOR  
8 VEHICLE. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY RECORD THAT INCLUDES A  
9 PROGRAM PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO THIS SUBSECTION SHALL BE  
10 CONFIDENTIAL AND NOT AVAILABLE FOR INSPECTION BY ANYONE OTHER THAN THE  
11 PROGRAM PARTICIPANT.

12 L. THE SUBSTITUTE ADDRESS SHALL NOT BE USED ON ANY DOCUMENT RELATED TO  
13 REAL PROPERTY RECORDED WITH A RECORDER. IF A PROGRAM PARTICIPANT WOULD LIKE  
14 TO KEEP REAL PROPERTY RECORDS CONFIDENTIAL, THE PROGRAM PARTICIPANT SHALL  
15 COMPLY WITH SECTION 11-483.

16 M. A SCHOOL DISTRICT SHALL ACCEPT THE SUBSTITUTE ADDRESS AS THE  
17 ADDRESS OF RECORD AND SHALL VERIFY STUDENT ENROLLMENT ELIGIBILITY THROUGH THE  
18 SECRETARY OF STATE. THE SECRETARY OF STATE SHALL FACILITATE THE TRANSFER OF  
19 STUDENT RECORDS FROM ONE SCHOOL TO ANOTHER.

20 N. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PROGRAM  
21 PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER MAINTAINED BY A STATE OR  
22 LOCAL GOVERNMENT ENTITY OR DISCLOSED BY THE SECRETARY OF STATE IS NOT A  
23 PUBLIC RECORD THAT IS SUBJECT TO INSPECTION. THIS SUBSECTION SHALL NOT APPLY  
24 TO THE FOLLOWING:

25 1. ANY PUBLIC RECORD CREATED MORE THAN NINETY DAYS BEFORE THE DATE  
26 THAT THE PROGRAM PARTICIPANT APPLIED TO BE CERTIFIED IN THE PROGRAM.

27 2. IF A PROGRAM PARTICIPANT VOLUNTARILY REQUESTS THAT A STATE OR LOCAL  
28 GOVERNMENT ENTITY USE THE PARTICIPANT'S ACTUAL ADDRESS OR VOLUNTARILY GIVES  
29 THE ACTUAL ADDRESS TO THE STATE OR LOCAL GOVERNMENT ENTITY.

30 O. FOR ANY PUBLIC RECORD CREATED WITHIN NINETY DAYS BEFORE THE DATE  
31 THAT A PROGRAM PARTICIPANT APPLIED TO BE CERTIFIED IN THE PROGRAM, A STATE OR  
32 LOCAL GOVERNMENT ENTITY SHALL REDACT THE ACTUAL ADDRESS FROM A PUBLIC RECORD  
33 OR CHANGE THE ACTUAL ADDRESS TO THE SUBSTITUTE ADDRESS IN THE PUBLIC RECORD,  
34 IF A PROGRAM PARTICIPANT WHO PRESENTS A CURRENT AND VALID PROGRAM  
35 AUTHORIZATION CARD REQUESTS THE ENTITY THAT MAINTAINS THE PUBLIC RECORD TO  
36 USE THE SUBSTITUTE ADDRESS INSTEAD OF THE ACTUAL ADDRESS ON THE PUBLIC  
37 RECORD.

38 41-157. Request for disclosure

39 A. EXCEPT AS OTHERWISE PROVIDED BY LAW, A STATE OR LOCAL GOVERNMENT  
40 ENTITY REQUESTING DISCLOSURE OF A PROGRAM PARTICIPANT'S ACTUAL ADDRESS  
41 PURSUANT TO THIS SECTION SHALL MAKE THE REQUEST IN WRITING ON THE ENTITY'S  
42 LETTERHEAD AND SHALL PROVIDE THE SECRETARY OF STATE WITH THE FOLLOWING  
43 INFORMATION:

44 1. THE NAME OF THE PROGRAM PARTICIPANT FOR WHOM THE STATE OR LOCAL  
45 GOVERNMENT ENTITY SEEKS DISCLOSURE OF THE ACTUAL ADDRESS.



1           2. A STATEMENT, WITH EXPLANATION, SETTING FORTH THE REASON THAT THE  
2 STATE OR LOCAL GOVERNMENT ENTITY NEEDS THE PROGRAM PARTICIPANT'S ACTUAL  
3 ADDRESS AND A STATEMENT THAT THE STATE OR LOCAL GOVERNMENT ENTITY CANNOT MEET  
4 ITS STATUTORY OR ADMINISTRATIVE OBLIGATIONS WITHOUT DISCLOSURE OF THE PROGRAM  
5 PARTICIPANT'S ACTUAL ADDRESS.

6           3. A PARTICULAR STATEMENT OF FACTS SHOWING THAT OTHER METHODS TO  
7 LOCATE THE PROGRAM PARTICIPANT OR THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS  
8 HAVE BEEN TRIED AND HAVE FAILED OR THAT THE METHODS REASONABLY APPEAR TO BE  
9 UNLIKELY TO SUCCEED.

10          4. A STATEMENT THAT THE STATE OR LOCAL GOVERNMENT ENTITY HAS ADOPTED A  
11 PROCEDURE SETTING FORTH THE STEPS THE STATE OR LOCAL GOVERNMENT ENTITY WILL  
12 TAKE TO PROTECT THE CONFIDENTIALITY OF THE PROGRAM PARTICIPANT'S ACTUAL  
13 ADDRESS.

14          5. ANY OTHER INFORMATION AS THE SECRETARY OF STATE MAY REASONABLY  
15 REQUEST IN ORDER TO IDENTIFY THE PROGRAM PARTICIPANT IN THE RECORDS OF THE  
16 SECRETARY OF STATE.

17          B. THE SECRETARY OF STATE SHALL PROVIDE THE PROGRAM PARTICIPANT WITH  
18 NOTICE OF A REQUEST FOR DISCLOSURE RECEIVED PURSUANT TO SUBSECTION A, AND, TO  
19 THE EXTENT POSSIBLE, THE PARTICIPANT SHALL BE AFFORDED AN OPPORTUNITY TO BE  
20 HEARD REGARDING THE REQUEST.

21          C. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION D, THE SECRETARY OF  
22 STATE SHALL PROVIDE THE PROGRAM PARTICIPANT WITH WRITTEN NOTIFICATION IF A  
23 REQUEST FOR A DISCLOSURE IS GRANTED OR DENIED PURSUANT TO THIS SECTION.

24          D. A NOTICE OR OPPORTUNITY TO BE HEARD SHALL NOT BE PROVIDED TO THE  
25 PROGRAM PARTICIPANT IF THE REQUEST FOR DISCLOSURE IS MADE BY A STATE OR LOCAL  
26 LAW ENFORCEMENT AGENCY CONDUCTING A CRIMINAL INVESTIGATION INVOLVING ALLEGED  
27 CRIMINAL CONDUCT BY THE PROGRAM PARTICIPANT OR IF PROVIDING NOTICE TO THE  
28 PROGRAM PARTICIPANT WOULD JEOPARDIZE AN ONGOING CRIMINAL INVESTIGATION OR THE  
29 SAFETY OF LAW ENFORCEMENT PERSONNEL.

30          E. THE SECRETARY OF STATE SHALL PROMPTLY CONDUCT A REVIEW OF ALL  
31 REQUESTS RECEIVED PURSUANT TO THIS SECTION. THE DIRECTOR OF THE ADDRESS  
32 CONFIDENTIALITY PROGRAM, OR THE DIRECTOR'S DESIGNEE, SHALL ENSURE THAT STATE  
33 AND LOCAL GOVERNMENT ENTITIES HAVE TWENTY-FOUR HOUR ACCESS TO THE DIRECTOR OR  
34 THE DIRECTOR'S DESIGNEE FOR THE PURPOSES OF A REQUEST FOR DISCLOSURE. IN  
35 CONDUCTING A REVIEW, THE SECRETARY OF STATE SHALL CONSIDER ALL INFORMATION  
36 RECEIVED PURSUANT TO SUBSECTION A, PARAGRAPHS 1 AND 2 AND ANY OTHER  
37 APPROPRIATE INFORMATION THAT THE SECRETARY OF STATE MAY REQUIRE.

38          F. THE SECRETARY OF STATE SHALL GRANT A STATE OR LOCAL GOVERNMENT  
39 ENTITY'S REQUEST FOR DISCLOSURE AND DISCLOSE A PROGRAM PARTICIPANT'S ACTUAL  
40 ADDRESS PURSUANT TO THIS SECTION IF:

41           1. THE STATE OR LOCAL GOVERNMENT ENTITY HAS A BONA FIDE STATUTORY OR  
42 ADMINISTRATIVE NEED FOR THE ACTUAL ADDRESS.

43           2. THE ACTUAL ADDRESS WILL ONLY BE USED FOR THE PURPOSE STATED IN THE  
44 REQUEST.

1           3. OTHER METHODS TO LOCATE THE PROGRAM PARTICIPANT OR THE PROGRAM  
2 PARTICIPANT'S ACTUAL ADDRESS HAVE BEEN TRIED AND HAVE FAILED OR THE METHODS  
3 REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED.

4           4. THE STATE OR LOCAL GOVERNMENT ENTITY HAS ADOPTED A PROCEDURE FOR  
5 PROTECTING THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF THE PROGRAM  
6 PARTICIPANT.

7           G. ON GRANTING A REQUEST FOR DISCLOSURE PURSUANT TO THIS SECTION, THE  
8 SECRETARY OF STATE SHALL PROVIDE THE STATE OR LOCAL GOVERNMENT ENTITY WITH  
9 THE DISCLOSURE THAT CONTAINS:

10           1. THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS.

11           2. A STATEMENT SETTING FORTH THE PERMITTED USE OF THE ACTUAL ADDRESS  
12 AND THE NAMES OR CLASSES OF PERSONS PERMITTED TO HAVE ACCESS TO AND USE OF  
13 THE ACTUAL ADDRESS.

14           3. A STATEMENT THAT THE STATE OR LOCAL GOVERNMENT ENTITY IS REQUIRED  
15 TO LIMIT ACCESS TO AND USE OF THE ACTUAL ADDRESS TO THE PERMITTED USE AND  
16 PERSONS SET FORTH IN THE DISCLOSURE.

17           4. THE DATE ON WHICH THE PERMITTED USE EXPIRES, IF EXPIRATION IS  
18 APPROPRIATE, AFTER WHICH THE STATE OR LOCAL GOVERNMENT ENTITY MAY NO LONGER  
19 MAINTAIN, USE OR HAVE ACCESS TO THE ACTUAL ADDRESS.

20           H. A STATE OR LOCAL GOVERNMENT ENTITY WHOSE REQUEST IS GRANTED BY THE  
21 SECRETARY OF STATE PURSUANT TO THIS SECTION SHALL:

22           1. LIMIT THE USE OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS TO THE  
23 PURPOSES SET FORTH IN THE DISCLOSURE.

24           2. LIMIT THE ACCESS TO THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS TO THE  
25 PERSONS OR CLASSES OF PERSONS SET FORTH IN THE DISCLOSURE.

26           3. CEASE TO USE AND DISPOSE OF THE PROGRAM PARTICIPANT'S ACTUAL  
27 ADDRESS ON THE EXPIRATION OF THE PERMITTED USE, IF APPLICABLE.

28           4. EXCEPT AS OTHERWISE SET FORTH IN THE DISCLOSURE, MAINTAIN THE  
29 CONFIDENTIALITY OF A PROGRAM PARTICIPANT'S ACTUAL ADDRESS.

30           I. ON DENIAL OF A STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST FOR  
31 DISCLOSURE, THE SECRETARY OF STATE SHALL PROVIDE PROMPT WRITTEN NOTIFICATION  
32 TO THE STATE OR LOCAL GOVERNMENT ENTITY STATING THAT THE STATE OR LOCAL  
33 GOVERNMENT ENTITY'S REQUEST HAS BEEN DENIED AND SETTING FORTH THE SPECIFIC  
34 REASONS FOR THE DENIAL.

35           J. A STATE OR LOCAL GOVERNMENT ENTITY MAY FILE WRITTEN EXCEPTIONS WITH  
36 THE SECRETARY OF STATE NO MORE THAN FIFTEEN DAYS AFTER WRITTEN NOTIFICATION  
37 IS PROVIDED PURSUANT TO SUBSECTION I. THE EXCEPTIONS SHALL RESTATE THE  
38 INFORMATION CONTAINED IN THE REQUEST FOR DISCLOSURE, STATE THE GROUNDS ON  
39 WHICH THE STATE OR LOCAL GOVERNMENT ENTITY ASSERTS THAT THE REQUEST FOR  
40 DISCLOSURE SHOULD BE GRANTED AND SPECIFICALLY RESPOND TO THE SECRETARY OF  
41 STATE'S SPECIFIC REASONS FOR DENIAL.

42           K. UNLESS THE STATE OR LOCAL GOVERNMENT ENTITY FILING EXCEPTIONS  
43 AGREES OTHERWISE, THE SECRETARY OF STATE SHALL MAKE A FINAL DETERMINATION  
44 REGARDING THE EXCEPTIONS WITHIN THIRTY DAYS AFTER THE FILING OF EXCEPTIONS  
45 PURSUANT TO SUBSECTION J. BEFORE MAKING A FINAL DETERMINATION REGARDING THE  
46 EXCEPTIONS, THE SECRETARY OF STATE MAY REQUEST ADDITIONAL INFORMATION FROM

1 THE STATE OR LOCAL GOVERNMENT ENTITY OR THE PROGRAM PARTICIPANT AND CONDUCT A  
2 HEARING. IF THE FINAL DETERMINATION OF THE SECRETARY OF STATE IS THAT THE  
3 DENIAL OF THE STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST FOR DISCLOSURE WAS  
4 PROPERLY DENIED, THE SECRETARY OF STATE SHALL PROVIDE THE STATE OR LOCAL  
5 GOVERNMENT ENTITY WITH WRITTEN NOTIFICATION OF THIS FINAL DETERMINATION  
6 STATING THAT THE STATE OR LOCAL GOVERNMENT ENTITY'S REQUEST HAS AGAIN BEEN  
7 DENIED AND SETTING FORTH THE SPECIFIC REASONS FOR THE DENIAL. IF THE FINAL  
8 DETERMINATION OF THE SECRETARY OF STATE IS THAT THE DENIAL OF THE STATE OR  
9 LOCAL GOVERNMENT ENTITY'S REQUEST FOR DISCLOSURE HAS BEEN IMPROPERLY DENIED,  
10 THE SECRETARY OF STATE SHALL GRANT THE STATE OR LOCAL GOVERNMENT ENTITY'S  
11 REQUEST FOR DISCLOSURE IN ACCORDANCE WITH THIS SECTION. THE FINAL  
12 DETERMINATION OF THE SECRETARY OF STATE SHALL CONSTITUTE FINAL ENTITY ACTION.

13 L. THE RECORD BEFORE ANY JUDICIAL REVIEW OF A FINAL ENTITY ACTION  
14 PURSUANT TO SUBSECTION K SHALL CONSIST OF THE STATE OR LOCAL GOVERNMENT  
15 ENTITY'S REQUEST FOR DISCLOSURE, THE SECRETARY OF STATE'S WRITTEN RESPONSE,  
16 THE STATE OR LOCAL GOVERNMENT ENTITY'S EXCEPTIONS, THE HEARING TRANSCRIPT, IF  
17 ANY, AND THE SECRETARY OF STATE'S FINAL DETERMINATION.

18 M. DURING ANY PERIOD OF REVIEW, EVALUATION OR APPEAL, THE STATE OR  
19 LOCAL GOVERNMENT ENTITY, TO THE EXTENT POSSIBLE, SHALL ACCEPT AND USE THE  
20 PROGRAM PARTICIPANT'S SUBSTITUTE ADDRESS.

21 N. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE SECRETARY  
22 OF STATE SHALL ESTABLISH AN EXPEDITED PROCESS FOR DISCLOSURE TO BE USED BY A  
23 COURT, CLERK OF THE COURT, CRIMINAL JUSTICE OFFICIAL OR AGENCY OR A PROBATION  
24 DEPARTMENT FOR SITUATIONS WHERE DISCLOSURE IS RELATED TO A CRIMINAL  
25 PROCEEDING OR INVESTIGATION INVOLVING A PROGRAM PARTICIPANT OR ANY OTHER  
26 COURT PROCEEDING. AN OFFICIAL OR AGENCY RECEIVING INFORMATION PURSUANT TO  
27 THIS SUBSECTION SHALL CERTIFY TO THE SECRETARY OF STATE THAT THE OFFICIAL OR  
28 AGENCY HAS A SYSTEM IN PLACE TO PROTECT THE CONFIDENTIALITY OF A PROGRAM  
29 PARTICIPANT'S ACTUAL ADDRESS FROM THE PUBLIC AND FROM PERSONNEL WHO ARE NOT  
30 INVOLVED IN THE TRIAL, HEARING, PROCEEDING OR INVESTIGATION.

31 O. THIS SECTION DOES NOT PREVENT THE SECRETARY OF STATE FROM GRANTING  
32 A REQUEST FOR DISCLOSURE TO A STATE OR LOCAL GOVERNMENT ENTITY PURSUANT TO  
33 THIS SECTION ON RECEIPT OF A PROGRAM PARTICIPANT'S WRITTEN CONSENT TO DO SO.

34 41-158. Nondisclosure of address in court proceedings

35 A COURT OR ADMINISTRATIVE TRIBUNAL MAY SEAL THE PORTION OF ANY RECORD  
36 THAT CONTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS. THIS SECTION DOES NOT  
37 PREVENT A STATE OR LOCAL GOVERNMENT ENTITY, IN ITS DISCRETION, FROM USING A  
38 PROGRAM PARTICIPANT'S ACTUAL ADDRESS IN ANY DOCUMENT OR RECORD FILED WITH A  
39 COURT OR ADMINISTRATIVE TRIBUNAL IF, AT THE TIME OF FILING, THE DOCUMENT OR  
40 RECORD IS NOT A PUBLIC RECORD.

41 41-159. Address confidentiality program fund

42 A. THE ADDRESS CONFIDENTIALITY PROGRAM FUND IS ESTABLISHED CONSISTING  
43 OF ASSESSMENTS COLLECTED PURSUANT TO SECTION 12-116.04.

44 B. THE SECRETARY OF STATE SHALL ADMINISTER THE FUND AND SPEND MONIES  
45 IN THE FUND IN ORDER TO DEFRAY THE COST OF THE ADMINISTRATION OF THE ADDRESS  
46 CONFIDENTIALITY PROGRAM.

1 C. ON NOTICE FROM THE SECRETARY OF STATE, THE STATE TREASURER SHALL  
2 INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND  
3 MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

4 D. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT  
5 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

6 Sec. 7. Funding intent

7 It is the intent of the legislature that the address confidentiality  
8 program established pursuant to section 41-152, Arizona Revised Statutes, as  
9 added by this act, shall not be funded by the state general fund but shall be  
10 funded by levying a surcharge on fines or other penalties assessed against  
11 persons who are convicted of offenses involving domestic violence, sexual  
12 offenses and stalking.

13 Sec. 8. Effective date

14 Section 12-116.04, Arizona Revised Statutes, as added by this act, is  
15 effective from and after December 31, 2011.

APPROVED BY THE GOVERNOR APRIL 19, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.