§90-B. Address Confidentiality Program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Address" means a residential street, school or work address of an individual, including any geographically specific description or coordinate that identifies a residential address, as specified on the individual's application to be a program participant under this section. [PL 2011, c. 195, §1 (AMD).]

B. "Application assistant" means an employee of a state or local agency or of a nonprofit program that provides counseling, referral, shelter or other specialized service to victims of domestic violence, sexual assault, stalking or human trafficking or to minor victims of kidnapping or that provides services related to legally protected health care activity who has been designated by the respective agency and trained, accepted and registered by the secretary to assist individuals in the completion of program participation applications. [PL 2023, c. 648, Pt. D, §1 (AMD).]

B-1. "Covered health care practitioner" has the same meaning as in Title 10, section 8012, subsection 1, paragraph B. [PL 2023, c. 648, Pt. D, §2 (NEW).]

C. "Designated address" means the address assigned to a program participant by the secretary pursuant to this section. [PL 2001, c. 539, §1 (NEW).]

C-1. "Legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 8. [PL 2023, c. 648, Pt. D, §3 (NEW).]

D. "Mailing address" means an address that is recognized for delivery by the United States Postal Service. [PL 2001, c. 539, §1 (NEW).]

E. "Program" means the Address Confidentiality Program established in this section. [PL 2001, c. 539, §1 (NEW).]

F. "Program participant" means a person certified by the Secretary of State to participate in the program. [PL 2001, c. 539, §1 (NEW).]

F-1. "Reproductive or gender-affirming health care services practitioner" means a person who in the person's capacity as a covered health care practitioner engages in legally protected health care activity. [PL 2023, c. 648, Pt. D, §4 (NEW).]

G. "Secretary" means the Secretary of State. [PL 2001, c. 539, §1 (NEW).]
[PL 2023, c. 648, Pt. D, §§1-4 (AMD).]

2. Program established. The Address Confidentiality Program is established to protect victims of domestic violence, sexual assault, stalking or human trafficking; minor victims of kidnapping; and reproductive or gender-affirming health care services practitioners by authorizing the use of designated addresses for such victims and practitioners. The program is administered by the secretary under the following application and certification procedures.

A. Upon recommendation of an application assistant, an adult person, a parent or guardian acting on behalf of a minor or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person. [PL 2001, c. 539, §1 (NEW).]

B. The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application must contain:

(1) The application preparation date, the applicant's signature and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(2) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail;

(3) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and

(4) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household. [PL 2001, c. 539, §1 (NEW).]

C. Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for 4 years following the date of initial certification unless the certification is withdrawn or invalidated before that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least 4 weeks prior to the expiration of the program participant's certification. [PL 2001, c. 539, §1 (NEW).]

D. The secretary shall forward first-class mail to the appropriate program participants. [PL 2001, c. 539, §1 (NEW).]

E. A person who violates this paragraph commits a Class E crime.

(1) An applicant may not file an application knowing that it:

(a) Contains false or incorrect information; or

(b) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

(2) An application assistant may not assist or participate in the filing of an application that the application assistant knows:

(a) Contains false or incorrect information; or

(b) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made. [RR 2001, c. 2, Pt. A, §4 (COR).]

[PL 2023, c. 648, Pt. D, §5 (AMD).]

3. Cancellation. Certification for the program may be canceled if one or more of the following conditions apply:

A. If the program participant obtains a name change, unless the program participant provides the secretary with documentation of a legal name change within 10 business days of the name change; [PL 2001, c. 539, §1 (NEW).]

B. If there is a change in the residential street address from the one listed on the application, unless the program participant provides the secretary with notice of the change in such manner as the secretary provides by rule; or [PL 2001, c. 539, §1 (NEW).]

C. The applicant or program participant violates subsection 2, paragraph E, subparagraph (1). [PL 2001, c. 539, §1 (NEW).]

[PL 2001, c. 539, §1 (NEW).]

4. Use of designated address. Upon demonstration of a program participant's certification in the program, state and local government agencies and the courts shall accept and use only the designated address as a program participant's address unless the secretary has approved an exemption pursuant to subsection 5-A.

A. [PL 2015, c. 313, §1 (RP).]

B. [PL 2015, c. 313, §1 (RP).]

[PL 2015, c. 313, §1 (AMD).]

5. Disclosure to law enforcement and state agencies.

[PL 2015, c. 313, §2 (RP).]

5-A. Disclosure to law enforcement and to other state and local agencies. If the secretary determines it appropriate, the secretary may make a program participant's address or mailing address available for use by granting an exemption under the following circumstances:

A. Upon request to the secretary by:

(1) A law enforcement agency in the manner provided for by rule; or

(2) A commissioner or other chief administrator of a state or local government agency or the commissioner's or administrator's designee in the manner provided for by rule; and [PL 2015, c. 313, §3 (NEW).]

B. Upon a finding by the secretary that:

(1) An agency under paragraph A has a bona fide statutory, administrative or law enforcement requirement for use of the program participant's address or mailing address such that the agency is unable to fulfill its statutory duties and obligations without the address or mailing address; and

(2) The program participant's address or mailing address will be used only for those statutory, administrative or law enforcement purposes and otherwise will be kept under seal and excluded from public inspection. [PL 2015, c. 313, §3 (NEW).]

[PL 2015, c. 313, §3 (NEW).]

6. Disclosure pursuant to court order or canceled certification. If the secretary determines appropriate, the secretary shall allow a program participant's address and mailing address to be made available for use under the following circumstances:

A. To a person identified in a court order, upon the secretary's receipt of that court order that specifically orders the disclosure of a particular program participant's address and mailing address and the reasons stated for the disclosure; or [PL 2001, c. 539, §1 (NEW).]

B. If the certification has been canceled because the applicant or program participant violated subsection 2, paragraph E, subparagraph (1). [PL 2001, c. 539, §1 (NEW).]

[PL 2013, c. 478, §1 (AMD).]

7. Confidentiality. The program participant's application, supporting materials and the program's state e-mail account are not a public record and must be kept confidential by the secretary.

[PL 2011, c. 195, §2 (AMD).]

8. Rules. The secretary shall adopt rules to carry out this section. These rules are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[PL 2001, c. 539, §1 (NEW).]

SECTION HISTORY

RR 2001, c. 2, §A4 (COR). PL 2001, c. 539, §1 (NEW). PL 2011, c. 195, §§1, 2 (AMD). PL 2013, c. 478, §1 (AMD). PL 2015, c. 313, §§1-3 (AMD). PL 2021, c. 649, §§1, 2 (AMD). PL 2023, c. 648, Pt. D, §§1-5 (AMD).

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