

Effective 5/3/2023

**Part 6
Safe at Home Program**

77-38-601 Definitions.

As used in this part:

- (1) "Abuse" means any of the following:
 - (a) "abuse" as that term is defined in Section 76-5-111 or 80-1-102; or
 - (b) "child abuse" as that term is defined in Section 76-5-109.
- (2) "Actual address" means the residential street address of the program participant that is stated in a program participant's application for enrollment or on a notice of a change of address under Section 77-38-610.
- (3) "Assailant" means an individual who commits or threatens to commit abuse, human trafficking, domestic violence, stalking, or a sexual offense against an applicant for the program or a minor or incapacitated individual residing with an applicant for the program.
- (4) "Assigned address" means an address designated by the commission and assigned to a program participant.
- (5) "Authorization card" means a card issued by the commission that identifies a program participant as enrolled in the program with the program participant's assigned address and the date on which the program participant will no longer be enrolled in the program.
- (6) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
- (7) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (8) "Human trafficking" means a human trafficking offense under Section 76-5-308.
- (9) "Incapacitated individual" means an individual who is incapacitated, as defined in Section 75-1-201.
- (10)
 - (a) "Mail" means first class letters or flats delivered by the United States Postal Service, including priority, express, and certified mail.
 - (b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the package, parcel, periodical, or catalogue is clearly identifiable as:
 - (i) being sent by a federal, state, or local agency or another government entity; or
 - (ii) a pharmaceutical or medical item.
- (11) "Minor" means an individual who is younger than 18 years old.
- (12) "Notification form" means a form issued by the commission that a program participant may send to a person demonstrating that the program participant is enrolled in the program.
- (13) "Program" means the Safe at Home Program created in Section 77-38-602.
- (14) "Program assistant" means an individual designated by the commission under Section 77-38-604 to assist an applicant or program participant.
- (15) "Program participant" means an individual who is enrolled under Section 77-38-606 by the commission to participate in the program.
- (16) "Record" means the same as that term is defined in Section 63G-2-103.
- (17) "Sexual offense" means:
 - (a) a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; or
 - (b) a sexual exploitation offense under Title 76, Chapter 5b, Part 2, Sexual Exploitation.
- (18) "Stalking" means the same as that term is defined in Section 76-5-106.5.

- (19) "State or local government entity" means a county, municipality, higher education institution, special district, special service district, or any other political subdivision of the state or an administrative subunit of the executive, legislative, or judicial branch of this state, including:
- (a) a law enforcement entity or any other investigative entity, agency, department, division, bureau, board, or commission; or
 - (b) an individual acting or purporting to act for or on behalf of a state or local entity, including an elected or appointed public official.
- (20) "Victim" means a victim of abuse, domestic violence, human trafficking, stalking, or sexual assault.

Amended by Chapter 16, 2023 General Session

Amended by Chapter 237, 2023 General Session

77-38-602 Creation -- Commission responsibilities.

- (1) There is created the Safe at Home Program within the commission.
- (2) Under the program, the commission shall:
- (a) designate, train, and manage program assistants;
 - (b) develop, distribute, and process application forms and related materials for the program;
 - (c) designate an assigned address for a program participant to be used by the program participant and a state or local government entity; and
 - (d) receive mail sent to a program participant's assigned address, forward the mail to the program participant's actual address at the commission's expense, and track and maintain records for all mail received.

Amended by Chapter 237, 2023 General Session

77-38-603 Eligibility.

- (1) An applicant is eligible to participate in the program if the applicant attests that the applicant:
- (a) is a resident of this state;
 - (b)
 - (i) is a victim;
 - (ii) is a parent or a guardian of an individual who:
 - (A) is a victim; and
 - (B) resides at the same address as the parent or guardian;
 - (iii) resides at the same address where a victim resides; or
 - (iv) fears for the applicant's physical safety, or for the physical safety of a minor or incapacitated individual residing at the same address as the applicant, from a threat of abuse, domestic violence, human trafficking, stalking, or sexual assault;
 - (c)
 - (i) resided at a residential address that was known by an assailant and relocated within the past 90 days to a different residential address that is not known by the assailant;
 - (ii) resides at a residential address known by the assailant and intends to relocate within 90 days to a different residential address in the state that is not known by the assailant; or
 - (iii) resides at a residential address that is not known by the assailant;
 - (d) will not disclose the different residential address to the assailant; and
 - (e) will benefit from participation in the program.
- (2) An applicant may participate in the program regardless of whether:
- (a) a criminal charge is filed against an assailant;

- (b) the applicant has a restraining order or injunction against an assailant; or
- (c) the applicant reported an act or threat by an assailant to a law enforcement agency or officer.
- (3) An applicant may participate in the program only upon the recommendation of a program assistant.
- (4) To participate in the program:
 - (a) an applicant shall sign, date, and verify the information on an application; and
 - (b) the commission shall verify the applicant's current residential address as provided on the application.
- (5) A parent or guardian may act on behalf of a minor or an incapacitated individual in determining whether the minor or the incapacitated individual is eligible for the program.

Enacted by Chapter 215, 2022 General Session

77-38-604 Designation of program assistants.

- (1) The commission may designate as a program assistant, an individual that:
 - (a)
 - (i) is an employee of the commission or a state or local government entity; or
 - (ii) is a volunteer for an organization that provides counseling, assistance, or support services at no charge to victims; and
 - (b)
 - (i) provides counseling, referrals, or other services to victims; and
 - (ii) completes any training or registration process required by the commission.
- (2) A program assistant shall:
 - (a) assist an applicant in preparing an application for the program; and
 - (b) sign, date, and verify an application for the program.
- (3) A signature of a program assistant is a recommendation by the program assistant that the applicant is eligible to participate in the program under Section 77-38-603.

Enacted by Chapter 215, 2022 General Session

77-38-605 Administration -- Application.

- (1) The commission shall provide an application form to an applicant who seeks to participate in the program under this part.
- (2) The commission may not charge an applicant or program participant for an application or participation fee to apply for, or participate in, the program.
- (3) The application shall include:
 - (a) the applicant's name;
 - (b) a mailing address, a phone number, and an email address where the applicant may be contacted by the commission;
 - (c) an indication regarding whether the assailant is employed by a state or local government entity, and if applicable, the name of the state or local government entity;
 - (d) a statement that the applicant understands and consents to:
 - (i) remain enrolled in the program for four years, unless the applicant's participation in the program is cancelled under Section 77-38-617;
 - (ii) while the applicant is enrolled in the program, notify the commission when the applicant changes the applicant's actual address or legal name;
 - (iii) develop a safety plan with a program assistant;

- (iv) authorize the commission to notify a state or local government entity that the applicant is a program participant;
- (v) submit written notice to the commission if the applicant chooses to cancel the applicant's participation in the program;
- (vi) register to vote in person at the office of the clerk in the county where the applicant's actual address is located; and
- (vii) certify that the commission is the applicant's designated agent for service of process for personal service;
- (e) evidence that the applicant, or a minor or an incapacitated individual residing with the applicant, is a victim, including:
 - (i) a law enforcement, court, or other state, local, or federal government agency record; or
 - (ii) a document from:
 - (A) a domestic violence program, facility, or shelter;
 - (B) a sexual assault program; or
 - (C) a religious, medical, or other professional from whom the applicant, or the minor or the incapacitated individual residing with the applicant, sought assistance in dealing with alleged abuse, domestic violence, stalking, or a sexual offense;
- (f) a statement from the applicant that a disclosure of the applicant's actual address would endanger the applicant, or a minor or an incapacitated individual residing with the applicant;
- (g) a statement by the applicant that the applicant:
 - (i) resides at a residential address that is not known by the assailant;
 - (ii) has relocated to a different residential address in the past 90 days that is not known by the assailant; or
 - (iii) will relocate to a different residential address in the state within 90 days that is not known by the assailant;
- (h) the actual address that:
 - (i) the applicant requests that the commission not disclose; and
 - (ii) is at risk of discovery by the assailant or potential assailant;
- (i) a statement by the applicant disclosing:
 - (i) the existence of a court order or action involving the applicant, or a minor or an incapacitated individual residing with the applicant, related to a divorce proceeding, a child support order or judgment, or the allocation of custody or parent-time; and
 - (ii) the court that issued the order or has jurisdiction over the action;
- (j) the name of any other individual who resides with the applicant who needs to be a program participant to ensure the safety of the applicant, or a minor or an incapacitated individual residing with the applicant;
- (k) a statement by the applicant that:
 - (i) the applicant, or a minor or an incapacitated individual residing at the same address as the applicant, will benefit from participation in the program;
 - (ii) if the applicant intends to vote, the applicant will register to vote at the office of the clerk in the county in which the applicant actually resides;
 - (iii) the applicant does not have a current obligation to register as a sex offender or a kidnap offender under Title 77, Chapter 41, Sex and Kidnap Offender Registry; and
 - (iv) the applicant does not have a current obligation to register as a child abuse offender under Title 77, Chapter 43, Child Abuse Offender Registry;
- (l) a statement by the applicant, under penalty of perjury, that the information contained in the application is true;
- (m) a statement that:

- (i) if the applicant intends to use the assigned address for any correspondence with the State Tax Commission, the applicant must provide the State Tax Commission with the applicant's social security number, federal employee identification number, and any other identification number related to a tax, fee, charge, or license administered by the State Tax Commission; and
- (ii) if the applicant intends to use the assigned address for correspondence to a state or local government entity for the purpose of titling or registering a motor vehicle or a watercraft that is owned or leased by the applicant, the applicant shall provide to the state or local government entity for each motor vehicle or watercraft:
 - (A) the motor vehicle or hull identification number;
 - (B) the license plate or registration number for the motor vehicle or the watercraft; and
 - (C) the physical address where each motor vehicle or watercraft is stored; and
- (n) a statement that any assistance or counseling provided by a program assistant as part of the program does not constitute legal advice or legal services to the applicant.

Amended by Chapter 237, 2023 General Session

77-38-606 Enrollment of a program participant.

- (1)
 - (a) Within five business days after the day on which the commission grants enrollment to a program participant, the commission shall issue the program participant:
 - (i) an assigned address;
 - (ii) an authorization card; and
 - (iii) a notification form.
 - (b) An authorization card is valid while the program participant is enrolled in the program.
- (2) A program participant is enrolled in the program for four years beginning on the day on which the enrollment is granted, unless the enrollment is withdrawn, or is cancelled under Section 77-38-617, before the end of the four-year period.
- (3) A program participant may withdraw from the program by filing a request for withdrawal with the commission that is acknowledged before a notary public.
- (4)
 - (a) A program participant may renew enrollment by filing a renewal application with the commission at least 30 days before the day on which enrollment in the program will expire.
 - (b) The applicant shall date, sign, and verify the renewal application.
 - (c) The renewal application shall contain:
 - (i) all statements or information required by Subsection 77-38-605(3) that have changed from the original application or a prior renewal application;
 - (ii) a statement by the applicant that the applicant, or a minor or an incapacitated individual residing at the same address as the applicant, will continue to benefit from participation in the program; and
 - (iii) a statement by the applicant, under penalty of perjury, that the information contained in the renewal application is true.

Enacted by Chapter 215, 2022 General Session

77-38-607 Use of assigned address -- Release of information.

- (1) The commission shall forward all mail that the office receives at the assigned address for a program participant to the program participant's actual address.

- (2) The commission shall provide, at the request of a program participant or a state or local government entity, confirmation of an individual's status as a program participant.
- (3) Except as provided in Sections 77-38-611, 77-38-612, and 77-38-613, the commission may not disclose a program participant's actual address to any person.

Amended by Chapter 237, 2023 General Session

77-38-608 Use of assigned address -- Confidentiality.

- (1) A program participant may use the assigned address provided to the program participant to receive mail as provided in Subsection 77-38-602(2).
- (2)
 - (a) A state or local government entity may not refuse to use a program participant's assigned address for any official business, unless:
 - (i) the state or local government entity is statutorily required to use the program participant's actual address; or
 - (ii) the state or local government entity is permitted or required to use the program participant's actual address under this part.
 - (b) A state or local government entity may confirm an individual's status as a program participant with the commission.
- (3) A state or local government entity, after receiving a copy of the notification form from a program participant or a notification of the program participant's enrollment from the commission, may not:
 - (a) except as provided in Subsection (2)(a), refuse to use the assigned address for the program participant, or a minor or an incapacitated individual residing with the program participant;
 - (b) except as provided in Subsection (4), require a program participant to disclose the program participant's actual address; or
 - (c) except as provided in Section 77-38-611, intentionally disclose to another person or state or local government entity the program participant's actual address.
- (4) Notwithstanding Subsections (2) and (3), a county clerk may require a program participant to disclose the program participant's actual address:
 - (a) for voter registration; and
 - (b) to enroll a program participant in a program designed to protect the confidentiality of a voter's address.
- (5) If a program participant is enrolled in a program designed to protect the confidentiality of a voter's address, a county clerk:
 - (a) shall classify the program participant's actual address as concealed; and
 - (b) may not disclose the program participant's actual address.

Amended by Chapter 237, 2023 General Session

77-38-609 Disclosure of actual address prohibited.

- (1)
 - (a) The commission may not disclose a program participant's actual address, unless:
 - (i) required by a court order; or
 - (ii) the commission grants a request from a state or local government entity under Section 77-38-612.

- (b) The commission shall provide a program participant immediate notification of a disclosure of the program participant's actual address if the disclosure is made under Subsection (1)(a)(i) or (ii).
- (2) If, at the time of application, an applicant, or a parent or guardian of an applicant, is subject to a court order relating to a divorce proceeding, a child support order or judgment, or an allocation of custody or parent-time, the commission shall provide notice of whether the applicant is enrolled under the program and the assigned address of the applicant to the court that issued the order or has jurisdiction over the action.
- (3) A person may not knowingly or intentionally obtain a program participant's actual address from the commission or any state or local government entity if the person is not authorized to obtain the program participant's actual address.
- (4) Unless the disclosure is permitted under this part or is otherwise permitted by law, an employee of the commission or a state or local government entity may not knowingly or intentionally disclose a program participant's actual address if:
 - (a) the employee obtains a program participant's actual address during the course of the employee's official duties; and
 - (b) at the time of disclosure, the employee has specific knowledge that the address is the actual address of the program participant.
- (5) A person who intentionally or knowingly obtains or discloses information in violation of this part is guilty of a class B misdemeanor.

Amended by Chapter 237, 2023 General Session

77-38-610 Change of name, address, or telephone number.

- (1) A program participant shall notify the commission no later than 30 days after the day on which the program participant obtains a legal name change, by providing the commission with a certified copy of a judgment or order establishing the name change, or any other documentation that is sufficient evidence of the name change.
- (2) A program participant shall notify the commission no later than 10 business days after the day on which the program participant's actual address or telephone number changes from the actual address or telephone number listed for the program participant.
- (3) If a program participant remains enrolled in the program after a change of address, the program participant may not change the program participant's assigned address with the Driver License Division created under Section 53-3-103.

Enacted by Chapter 215, 2022 General Session

77-38-611 Address use by state or local government entities.

- (1) Except as otherwise provided in Subsection (7), a program participant is responsible for requesting that a state or local government entity use the program participant's assigned address as the program participant's residential address.
- (2) Except as otherwise provided in this part, if a program participant submits a valid authorization card, or a notification form, to a state or local government entity, the state or local government entity shall accept the assigned address listed on the authorization card or notification form as the program participant's address to be used as the program participant's residential address when creating a record.
- (3) The program participant's assigned address shall be listed as the last known address if any last known address requirement is needed by the state or local government entity.

- (4) The state or local government entity may photocopy a program participant's authorization card for a record for the state or local government entity, but the state or local government entity shall immediately return the authorization card to the program participant.
- (5)
 - (a) An election official, as defined in Section 20A-1-102, shall:
 - (i) use a program participant's actual address for precinct designation and all official election-related purposes;
 - (ii) classify the program participant's actual address as concealed; and
 - (iii) keep the program participant's actual address confidential from the public.
 - (b) A program participant may not use the program participant's assigned address for voter registration.
 - (c) An election official shall use the assigned address for all correspondence and mail for the program participant placed in the United States mail.
 - (d) A state or local government entity's access to a program participant's voter registration is subject to the request for disclosure process under Section 77-38-612.
 - (e) This Subsection (5) applies only to a program participant who submits a valid authorization card or a notification form when registering to vote.
- (6)
 - (a) A state or local government entity may not use a program participant's assigned address for the purposes of listing, or appraising a property, or assessing property taxes.
 - (b) Except as provided by Subsection (6)(c), all property assessments and tax notices, property tax collection notices, and all property related correspondence placed in the United States mail for the program participant shall be addressed to the assigned address.
 - (c) The State Tax Commission shall use the actual address of a program participant, unless the commission provides the following information to the State Tax Commission:
 - (i) the full name of the program participant; and
 - (ii) the program participant's social security number, federal employee identification number, and any other identification number related to a tax, fee, charge, or license administered by the State Tax Commission.
- (7)
 - (a) A state or local government entity may not use a program participant's assigned address for purposes of assessing any taxes or fees on a motor vehicle or a watercraft for titling or registering a motor vehicle or a watercraft.
 - (b) Except as provided by Subsection (7)(c), all motor vehicle and watercraft assessments and tax notices, title registration notices, and all related correspondence placed in the United States mail for the program participant is required to be addressed to the assigned address.
 - (c) The Motor Vehicle Division shall use the actual address of a program participant, unless the commission provides the following information to the Motor Vehicle Division:
 - (i) the full name of the program participant;
 - (ii) the assigned address of the program participant;
 - (iii) the motor vehicle or hull identification number for each motor vehicle or watercraft that is owned or leased by the program participant;
 - (iv) the license plate or registration number for each motor vehicle or watercraft that is owned or leased by the program participant; and
 - (v) the physical address where each motor vehicle or watercraft that is owned or leased by the program participant.
 - (d) Notwithstanding any other provision of this part, the Motor Vehicle Division may disclose to another state or local government entity all information that is necessary for the state or local

government entity to distribute any taxes or fees collected for titling or registering a motor vehicle or a watercraft.

- (e) Notwithstanding Section 41-1a-116 or any other provision of this part, the Motor Vehicle Division may not disclose the actual address of a program participant described in Subsection 77-38-605(3)(m)(ii) to:
 - (i) the Utah Criminal Justice Information System; or
 - (ii) the title, lien, and registration system that is provided to the Motor Vehicle Division by a third party contractor and is accessed in accordance with Subsection 41-1a-116(4).
- (8)
 - (a) The Department of Corrections, or any other entity responsible for supervising a program participant who is on probation or parole as a result of a criminal conviction or an adjudication, may not use the program participant's assigned address if the program participant's actual address is necessary for supervising the program participant.
 - (b) All written communication delivered through the United States mail to the program participant by the Department of Corrections, or the other entity described in Subsection (8)(a), shall be addressed to the program participant's assigned address.
- (9) If a program participant is required by law to swear or affirm to the program participant's address, the program participant may use the program participant's assigned address.
- (10)
 - (a) A school district shall:
 - (i) accept the assigned address as the address of record; and
 - (ii) verify student enrollment eligibility with the commission.
 - (b) The commission shall help facilitate the transfer of student records as needed.
- (11)
 - (a) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, a record containing a program participant's address is confidential and, regardless of the record's classification under Title 63G, Chapter 2, Part 3, Classification, may not be disclosed by a state or local government entity, unless otherwise provided under this part.
 - (b) A program participant's actual address may not be disclosed to a third party by a state or local government entity, except:
 - (i) in a record created more than 90 days before the date on which the program participant applied for enrollment in the program; or
 - (ii) if a program participant voluntarily requests, in writing, that the program participant's actual address be disclosed to the third party.
 - (c) For a record created within 90 days before the date that a program participant applied for enrollment in the program, a state or local government entity shall redact the actual address from the record or change the actual address to the assigned address in the public record if the program participant presents a valid authorization card or a notification form and requests that the state or local government entity use the assigned address instead of the actual address on the record.

Amended by Chapter 237, 2023 General Session

77-38-612 Request for disclosure.

- (1) A state or local government entity requesting disclosure of a program participant's actual address in accordance with this section shall make the request:
 - (a) in writing;
 - (b) on the state or local government entity's letterhead; and

- (c) with the signature of the head or an executive-level official of the state or local government entity.
- (2) In accordance with Subsection (1), a state or local government entity requesting disclosure of a program participant's actual address shall provide the commission with the name of the program participant and a statement:
 - (a) explaining why the state or local government entity is requesting the program participant's actual address;
 - (b) explaining why the state or local government entity cannot meet the state or local government entity's statutory or administrative obligations without the disclosure of the program participant's actual address;
 - (c) of facts showing that:
 - (i) other methods to locate the program participant's actual address have failed;
 - (ii) other methods will be unlikely to succeed; or
 - (iii) other means of contacting the program participant have failed or are unavailable; and
 - (d) that the state or local government entity has adopted a procedure to protect the confidentiality of the program participant's actual address.
- (3) In response to a request for disclosure under Subsection (2), the commission may request additional information from the state or local government entity to help identify the program participant in the records of the office or to assess whether disclosure to the state or local government entity is permitted under this part.
- (4)
 - (a) Except as provided in Subsection (4)(b), after receiving a request for disclosure from a state or local government entity under Subsection (1), the commission shall provide a program participant with written notification:
 - (i) informing the participant of the request, and to the extent possible, of an opportunity to be heard regarding the request; and
 - (ii) after a decision is made by the commission, whether the request has been granted or denied.
 - (b) The commission is not required to provide notice of a request for disclosure to a program participant under Subsection (4)(a) when:
 - (i) the request is made by a state or local law enforcement agency conducting a criminal investigation involving alleged criminal conduct by the program participant; or
 - (ii) providing notice to the program participant would jeopardize an ongoing criminal investigation or the safety of law enforcement personnel.
- (5) The commission shall grant a state or local government entity's request for disclosure and disclose the program participant's actual address if:
 - (a) the state or local government entity has demonstrated a good faith statutory or administrative need for the actual address;
 - (b) the actual address will be used only for the purpose stated in the request;
 - (c) other methods to locate the program participant or the program participant's actual address have failed or are unlikely to succeed;
 - (d) other means of contacting the program participant have failed or are unavailable; and
 - (e) the state or local government entity has adopted a procedure to protect the confidentiality of the program participant's actual address.
- (6) If the commission grants a request for disclosure under this section, the commission shall provide the state or local government entity with a disclosure that contains:
 - (a) the program participant's actual address;
 - (b) a statement of the permitted use of the program participant's actual address;

- (c) the names or classes of persons permitted to have access to or use of the program participant's actual address;
 - (d) a statement that the state or local government entity is required to limit access to and use of the program participant's actual address to the permitted use and to the listed persons or classes of persons; and
 - (e) if expiration of the disclosure is appropriate, the date on which the permitted use of the program participant's actual address expires.
- (7) If a request for disclosure is granted by the commission, a state or local government entity shall:
- (a) limit use of the program participant's actual address to the purpose stated in the disclosure;
 - (b) limit access to the program participant's actual address to the persons or classes of persons stated in the disclosure;
 - (c) cease use of the program participant's actual address upon the expiration of the permitted use;
 - (d) dispose of the program participant's actual address upon the expiration of the permitted use; and
 - (e) except as permitted in the request for disclosure, maintain the confidentiality of the program participant's actual address.
- (8) Upon denial of a state or local government entity's request for disclosure, the commission shall promptly provide a written notification to the state or local government entity explaining the specific reasons for denying the request for disclosure.
- (9)
- (a) A state or local government entity may file a written appeal with the commission no later than 15 days after the day on which the state or local government entity receives the written notification under Subsection (8).
 - (b) A state or local government entity filing a written appeal under Subsection (9)(a) shall:
 - (i) restate the information contained in the request for disclosure; and
 - (ii) respond to the commission's reason for denying the request for disclosure.
 - (c) The commission shall make a final determination on the appeal within 30 days after the day on which the appeal is received by the commission, unless the state or local government entity and the commission agree to a different deadline.
 - (d) Before the commission makes a final determination, the commission may conduct a hearing or request additional information from the state or local government entity or the program participant.

Amended by Chapter 237, 2023 General Session

77-38-613 Request for disclosure by law enforcement.

- (1) The commission shall establish a process to expedite a request submitted by a law enforcement officer or agency for the disclosure of information regarding a program participant who is involved in a criminal proceeding or investigation within 24 hours of the law enforcement officer or agency submitting the request.
- (2) If a law enforcement officer or agency seeks the disclosure of a program participant's actual address from the commission under Subsection (1), the law enforcement officer or agency shall certify to the commission, or the commission's designee, that the official or agency has a system in place to protect the program participant's actual address from disclosure to:
 - (a) the public; and

- (b) law enforcement personnel who are not involved in the criminal proceeding or investigation for which the disclosure is requested.
- (3) Upon expiration of the use for the program participant's actual address in a criminal proceeding or investigation, a law enforcement officer or agency shall remove the program participant's actual address from any record system maintained by the law enforcement officer or agency.

Enacted by Chapter 215, 2022 General Session

77-38-614 Service of process at the assigned address.

- (1) In accordance with the Utah Rules of Civil Procedure, Rule 4, the commission is the agent authorized to receive process for a program participant.
- (2) In accordance with the Utah Rules of Civil Procedure, Rule 5, the last known address for a program participant is the program participant's assigned address, not the program participant's actual address.

Enacted by Chapter 215, 2022 General Session

77-38-615 Participation in the program -- Orders in relation to allocation of custody or parent-time.

- (1) A court may not consider a parent's participation in the program for the purpose of making an order allocating custody under Section 30-3-10 or parent-time under Section 30-3-32.
- (2) A court shall take practical measures to keep a program participant's actual address confidential when making an order allocating custody or parent-time.
- (3) Nothing in this part affects an order relating to the allocation of custody or parent-time in effect prior to or during a program participant's participation in the program.

Amended by Chapter 237, 2023 General Session

77-38-616 Disclosure of address or identifiable information in a judicial or administrative proceeding.

- (1) A program participant may submit the program participant's actual address to the court as a safeguarded record in accordance with the Utah Code of Judicial Administration, Rule 4-202.02.
- (2) A person may not compel disclosure of a program participant's actual address or identifying information related to the program participant's residence during a proceeding in a court or administrative proceeding, unless:
 - (a) the court orders the disclosure of the program participant's address; or
 - (b) an administrative tribunal finds, based on a preponderance of the evidence, that:
 - (i) the disclosure is required in the interest of justice;
 - (ii) public interest in the disclosure substantially outweighs the potential harm to the program participant; or
 - (iii) no other alternative would satisfy the necessity of the disclosure.
- (3) If disclosure of a program participant's actual address is required in a proceeding before a court or administrative tribunal, the court or administrative tribunal may safeguard the portion of a record that contains the program participant's actual address.
- (4) Nothing in this section prevents a state or local government entity from using a program participant's actual address in filing a document or record with a court or administrative tribunal

if, at the time of the filing, the document or record is filed under safeguard or not a public record.

Enacted by Chapter 215, 2022 General Session

77-38-617 Cancellation of enrollment -- Records.

- (1) The commission shall cancel a program participant's enrollment in the program if:
 - (a) the program participant submits to the commission a written request to withdraw from enrollment in accordance with Section 77-38-606;
 - (b) the program participant fails to notify the commission of a change in the program participant's name, actual address, or telephone number that is listed on the application;
 - (c) the program participant, or a parent or guardian of the program participant, knowingly submits false information in the program application; or
 - (d) mail forwarded to the program participant by the commission is returned as undeliverable.
- (2)
 - (a) If the commission determines that there are grounds for cancelling a program participant's enrollment in accordance with Subsection (1), the commission shall send notice of the cancellation with the reason for cancellation to the program participant at the program participant's actual address and email address.
 - (b) A program participant has 30 days to appeal the cancellation decision in accordance with procedures developed by the commission.
- (3) A program participant who receives a notice of cancellation is responsible for notifying a person who uses the program participant's assigned address to communicate with the program participant that the assigned address is no longer valid.
- (4) If the commission cancels a program participant's enrollment in the program, the program participant is not eligible to participate in the program for six months after the day on which the commission cancels the program participant's enrollment in the program.

Enacted by Chapter 215, 2022 General Session

77-38-618 Retention and destruction of records.

The commission shall establish policies and procedures regarding the maintenance and destruction of applications, records, and other documents received or generated under this part.

Amended by Chapter 237, 2023 General Session

77-38-619 Immunity from suit.

- (1) A program assistant, or a program assistant's employer, is immune from liability in a civil action or proceeding involving the performance or nonperformance of a duty under this part, unless:
 - (a) the performance or nonperformance of a program assistant was manifestly outside the scope of the program assistant's duties in the program; or
 - (b) the program assistant acted with malicious purpose, bad faith, or in a wanton or reckless manner.
- (2) In addition to the governmental immunity granted in Title 63G, Chapter 7, Governmental Immunity Act of Utah, or any other governmental immunity provided by law, the commission, the state, and the political subdivisions of the state are immune from liability in a civil action or proceeding involving the performance or nonperformance of a duty under the program.

Amended by Chapter 237, 2023 General Session

77-38-620 Safe at Home Program Restricted Account -- Report.

- (1) There is created a restricted account in the General Fund known as the "Safe at Home Program Restricted Account."
- (2) The account shall be funded by:
 - (a) private contributions;
 - (b) gifts, donations, or grants from public or private entities; and
 - (c) interest and earnings on account money.
- (3) Upon appropriation by the Legislature, the commission may expend funds from the account to:
 - (a) designate, train, and manage program assistants;
 - (b) develop, distribute, and process application forms and related materials for the program;
 - (c) assist applicants and program participants in enrolling in the program; or
 - (d) ensure program participants receive mail forwarded from the program to the program participant's actual address.
- (4) No later than December 31 of each year, the commission shall provide to the Executive Offices and Criminal Justice Appropriations Subcommittee a written report of the program's activities, including:
 - (a) the contributions received under Subsection (2);
 - (b) an accounting of the money expended or committed to be expended by the commission under Subsection (3); and
 - (c) the balance of the account.

Amended by Chapter 237, 2023 General Session

77-38-621 Rulemaking.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to:

- (1) establish a process to expedite requests from law enforcement officers and agencies in accordance with Section 77-38-613;
- (2) establish procedures for an appeal process regarding cancellation of enrollment under Section 77-38-617; and
- (3) establish the procedures for the retention and destruction of records and other documents in accordance with Section 77-38-618.

Enacted by Chapter 215, 2022 General Session