

HB0451S01 compared with HB0451

~~{deleted text}~~ shows text that was in HB0451 but was deleted in HB0451S01.

Inserted text shows text that was not in HB0451 but was inserted into HB0451S01.

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Representative Stephanie Pitcher proposes the following substitute bill:

VICTIM ADDRESS CONFIDENTIALITY PROGRAM

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

Senate Sponsor: ~~{~~ Todd Weiler

LONG TITLE

General Description:

This bill creates an address confidentiality program for crime victims.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates an address confidentiality program in the ~~{Utah Office for Victims of Crime}~~ Commission on Criminal and Juvenile Justice;
- ▶ describes eligibility and application requirements for program participants;
- ▶ addresses the administrative responsibilities of the ~~{Utah Office for Victims of Crime}~~ Commission on Criminal and Juvenile Justice in maintaining the address confidentiality program;
- ▶ describes the permitted uses for assigned addresses;

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- ▶ permits disclosure to state and local government entities in certain circumstances;
- ▶ addresses service of process, disclosure in judicial and administrative proceedings, and orders relating to custody and parent-time; and
- ▶ addresses immunity and the retention and destruction of records.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

~~{53-19-101}~~62M-12-101, Utah Code Annotated 1953

~~{53-19-102}~~62M-12-102, Utah Code Annotated 1953

~~{53-19-103}~~62M-12-103, Utah Code Annotated 1953

~~{53-19-104}~~62M-12-104, Utah Code Annotated 1953

~~{53-19-105}~~62M-12-105, Utah Code Annotated 1953

~~{53-19-106}~~62M-12-106, Utah Code Annotated 1953

~~{53-19-107}~~62M-12-107, Utah Code Annotated 1953

~~{53-19-108}~~62M-12-108, Utah Code Annotated 1953

~~{53-19-109}~~62M-12-109, Utah Code Annotated 1953

~~{53-19-110}~~62M-12-110, Utah Code Annotated 1953

~~{53-19-111}~~62M-12-111, Utah Code Annotated 1953

~~{53-19-112}~~62M-12-112, Utah Code Annotated 1953

~~{53-19-113}~~62M-12-113, Utah Code Annotated 1953

~~{53-19-114}~~62M-12-114, Utah Code Annotated 1953

~~{53-19-115}~~62M-12-115, Utah Code Annotated 1953

~~{53-19-116}~~62M-12-116, Utah Code Annotated 1953

~~{53-19-117}~~62M-12-117, Utah Code Annotated 1953

~~{53-19-118}~~62M-12-118, Utah Code Annotated 1953

~~{53-19-119}~~62M-12-119, Utah Code Annotated 1953

62M-12-120, Utah Code Annotated 1953

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Be it enacted by the Legislature of the state of Utah:

Section 1. Section ~~{53-19}~~62M-12-101 is enacted to read:

CHAPTER ~~{19}~~12. ADDRESS CONFIDENTIALITY PROGRAM

~~{53-19-101}~~62M-12-101. Title.

This chapter is known as "Address Confidentiality Program."

Section 2. Section ~~{53-19}~~62M-12-102 is enacted to read:

~~{53-19-102}~~62M-12-102. Definitions.

As used in this chapter:

(1) "Abuse" means any of the {same} following:

(a) "Abuse" as that term is defined in Section 76-5-111 or 78A-6-105; or

(b) "Child abuse" as that term is defined in Section 76-5-109.

(2) "Actual address" means the residential street address, school address, business address, or work 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 ~~{53-19-111}~~62M-12-111.

(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 ~~{office}~~commission and assigned to a program participant.

(5) "Authorization card" means a card issued by the ~~{office}~~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 Chapter 7, Part 2, Commission on Criminal and Juvenile Justice.

~~{6}~~7 "Domestic violence" means the same as that term is defined in Section 77-36-1.

~~{7}~~8 "Human trafficking" means ~~{inducing an individual to participate in forced labor or forced sexual exploitation by recruiting, harboring, obtaining, patronizing, or soliciting the individual through the use of force, fraud, or coercion as described in}~~a human trafficking offense under Section 76-5-308.

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~~(8)9~~ "Incapacitated individual" means an individual who is incapacitated, as defined in Section 75-1-201.

~~(9)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.

~~(10)11~~ "Minor" means a person under the age of 18 years.

~~(11)12~~ "Notification form" means a form issued by the ~~office~~ commission that a program participant may send to a person demonstrating that the program participant is enrolled in the program.

~~(12)~~ "Office" means the Utah Office for Victims of Crime, created in Title 63G, Chapter 7, Part 5, Utah Office for Victims of Crime.

~~(13)~~ "Program" means the Address Confidentiality Program, created in Section ~~53-19-103~~ 62M-12-103.

(14) "Program assistant" means an individual designated by the ~~office~~ commission under Section ~~53-19-105~~ 62M-12-105 to assist ~~a~~ an applicant or program participant.

(15) "Program participant" means an individual who is enrolled under Section ~~53-19-107~~ 62M-12-107 by the ~~office~~ commission to participate in the program.

~~(16)~~ "Public Record" means the same as that term is defined in Section 63G-2-103.

~~(17)16~~ "Record" means the same as that term is defined in Section 63G-2-103.

~~(18)17~~ "Sexual offense" means a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses.

~~(19)18~~ "Stalking" means the crime of stalking, as defined in Section 76-5-106.5.

~~(20)19~~ "State or local government entity" means a county, municipality, higher education institution, local district, special service district, or any other political subdivision of the state or an administrative subunit of the executive, legislative, or judicial branch, 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,

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including an elected or appointed public official.

(~~{21}~~20) "Victim" means a victim of abuse, domestic violence, human trafficking, stalking, or sexual assault.

Section 3. Section ~~{53-19}~~62M-12-103 is enacted to read:

~~{53-19-103}~~62M-12-103. Creation -- Office responsibilities.

(1) There is created within the ~~{office}~~commission the Address Confidentiality Program.

(2) Under the program, the ~~{office shall:~~

~~{a}~~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 participation and a state and local government entity;

(~~{b}~~d) receive mail sent to a program participant's assigned address, forward the mail to the program participant's actual address at the ~~{office's}~~commission's expense, and track and maintain records for all mail received; and

(~~{c}~~e) arrange for the program participant at the program participant's expense to receive items other than mail if requested by the program participant and agreed to by the ~~{office}~~commission.

Section 4. Section ~~{53-19}~~62M-12-104 is enacted to read:

~~{53-19-104}~~62M-12-104. 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 is a victim;

(iii) is the resident of a household 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 with the applicant, from a threat of abuse, domestic violence, human trafficking, stalking, or sexual assault;

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(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 plans 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; and

(d) will not disclose the different residential address to the assailant.

(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) An applicant shall sign, date, and verify the information on an application to participate in the program.

(5) A parent or guardian may act on behalf of a minor or incapacitated individual in determining whether the minor or incapacitated individual is eligible for the program.

Section 5. Section ~~{53-19}~~62M-12-105 is enacted to read:

~~{53-19-105}~~62M-12-105. **Designation of program assistants.**

(1) The {office}commission may designate as a program assistant, an individual that:

(a) (i) is an employee of the {office}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 {office}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

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~~{53-19-104}~~ 62M-12-104.

Section 6. Section ~~{53-19}~~ 62M-12-106 is enacted to read:

~~{53-19-106}~~ 62M-12-106. **Administration -- Application.**

(1) The ~~{office}~~ commission shall provide an application form to an applicant who seeks to participate in the program under this chapter.

(2) The ~~{office}~~ commission may not charge a 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, phone number, and email address where the applicant may be contacted by the ~~{office}~~ commission;

(c) an indication regarding whether the assailant is employed by a state or local government entity and 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, under Section ~~{53-19-117}~~ 62M-12-117, the applicant cancels the applicant's participation or is disenrolled;

(ii) while the applicant is enrolled in the program, notify the ~~{office}~~ 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 ~~{office}~~ commission to notify a state and local government entity that the applicant is a program participant;

(v) submit written notice to the ~~{office}~~ commission if the applicant chooses to cancel the applicant's participation in the program; and

(vi) certify that the ~~{office}~~ commission is the applicant's designated agent for service of process for personal service;

(e) evidence that the applicant, or a child or 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;

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(B) a sexual assault program; or

(C) a religious, medical, or other professional from whom the applicant, or the minor or 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 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 confidentially relocated to a ~~{new}~~ different residential address in the past ~~{ninety}~~90 days that is not known by the assailant; or

(iii) will relocate to a ~~{new}~~ different residential address in the state within ~~{ninety}~~90 days that is not known by the assailant;

(h) the actual address that:

(i) the applicant requests that the ~~{office}~~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 incapacitated individual residing with the applicant, related to a divorce proceeding, 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 incapacitated individual residing with the applicant;

(k) a statement by the applicant, under penalty of perjury, that the information contained in the application is true; and

(l) 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.

Section 7. Section ~~{53-19}~~62M-12-107 is enacted to read:

~~{53-19-107}~~62M-12-107. **Enrollment of a program participant.**

(1) (a) Within five business days after the day on which the ~~{office}~~commission grants

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enrollment to a program participant, the ~~{office}~~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 cancelled before the end of the four-year period under Section ~~{53-19-117}~~62M-12-117.

(3) A program participant may withdraw from the program by filing a request for withdrawal with the ~~{office}~~commission that is acknowledged before a notary public.

(4) (a) A program participant may renew enrollment by filing a renewal application with the ~~{office}~~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 ~~{53-19-106}~~62M-12-106(3) that have changed from the original application or a prior renewal application; and

(ii) a statement by the applicant, under penalty of perjury, that the information contained in the renewal application is true.

Section 8. Section ~~{53-19}~~62M-12-108 is enacted to read:

~~{53-19-108}~~62M-12-108. **Use of assigned address -- Release of information.**

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

(2) The ~~{office}~~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 ~~{53-19-112}~~62M-12-112 and ~~{53-19-113}~~62M-12-113, the office may not disclose a program participant's actual address to any person.

Section 9. Section ~~{53-19}~~62M-12-109 is enacted to read:

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~~{53-19-109}~~62M-12-109. 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 ~~{53-19-103}~~62M-12-103(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, in accordance with statutory requirements, the state or local government entity is required to use the program participant's actual address.

(b) A state or local government entity may confirm an individual's status as a program participant with the ~~{office}~~commission.

(3) A state or local government entity, after receiving a copy of the notification form from a program participant, may not:

(a) except as provided in Subsection (2)(a), refuse to use the assigned address for the program participant, or a minor or incapacitated individual residing with the program participant;

(b) except as provided in Subsection (2)(a), require a program participant to disclose the program participant's actual address; or

(c) intentionally disclose to another person or state or 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 ~~{confidential voter program described in Subsection 53-19-112(5)}~~confidentiality of a voter's address.

(5) If a program participant is enrolled in a program designed to protect the ~~{confidential voter program described in Subsection 53-19-112(5)}~~confidentiality of a voter's address, a county clerk may not disclose the program participant's actual address.

Section 10. Section ~~{53-19}~~62M-12-110 is enacted to read:

~~{53-19-110}~~62M-12-110. Disclosure of actual address prohibited.

(1) (a) The ~~{office}~~commission may not disclose a program participant's actual address or telephone number, unless:

(i) required by a court order; or

(ii) the ~~{office}~~commission grants a request from a state or local government entity

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under Section ~~{53-19-113}~~; or

~~(iii) the program participant is required to disclose the program participant's actual address under the Section 77-41-105.~~

~~(b) The office}{62M-12-113.~~

(b) The commission shall provide a program participant immediate notification of a disclosure of the program participant's actual address or telephone number 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, child support order or judgment, or an allocation of custody or parent-time, the {office}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 or telephone number from the {office}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 chapter or is otherwise permitted by law, an employee of the {office}commission or a state or local government entity may not knowingly or intentionally disclose a program participant's actual address or telephone number if:

(a) the employee obtains a program participant's actual address or telephone number during the course of the employee's official duties; and

(b) at the time of disclosure, the employee has specific knowledge that the address or telephone number is the actual address or telephone number of the program participant.

(5) A person who intentionally or knowingly obtains or discloses information in violation of this chapter is guilty of a class B misdemeanor.

Section 11. Section ~~{53-19}~~{62M-12}-111 is enacted to read:

~~{53-19-111}~~62M-12-111. Change of name, address, or telephone number.

(1) A program participant shall notify the {office}commission no later than 30 days after the day on which the program participant obtains a legal name change, by providing the {office}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.

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(2) A program participant shall notify the ~~{office}~~commission no later than seven days after the day on which the program participant's address or telephone number changes from the address or telephone number listed for the program participant.

Section 12. Section ~~{53-19}~~62M-12-112 is enacted to read:

~~{53-19-112}~~62M-12-112. **Address use by state or local government entities.**

(1) 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, work, or school address.

(2) Except as otherwise provided in this chapter, 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, work, or school address when creating a ~~{public}~~ 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; and

(ii) 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 ~~{53-19-113}~~62M-12-113.

(e) This Subsection (5) applies only to a program participant who submits a valid authorization card or a notification form when registering to vote.

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(6) (a) A state or local government entity may not use a program participant's assigned address for the purposes of listing, appraising, or assessing property taxes, and collecting property taxes.

(b) 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 is required to be addressed to the assigned address.

(7) (a) A state or government entity may not use a program participant's assigned address for purposes of assessing any taxes or fees on a motor vehicle or for titling or registering a motor vehicle.

(b) All vehicle assessments and tax notices, vehicle or title registration notices, and all vehicle related correspondence placed in the United States mail for the program participant is required to be addressed to the assigned address.

(8) 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.

(9) (a) A school district shall:

(i) accept the assigned address as the address of record; and

(ii) verify student enrollment eligibility with the ~~{office}~~commission.

(b) The ~~{office}~~commission shall help facilitate the transfer of student records as needed.

(10) (a) A program participant's actual address and telephone number maintained by a state or local government entity, or disclosed to a state or government entity by the ~~{office}~~commission under Section ~~{53-19-113}~~62M-12-113, is confidential and may not be disclosed under Title 63G, Chapter 2, Government Records Access and Management Act.

(b) A program participant's actual address and telephone number may not be disclosed to a third party by a state or local government entity, except:

(i) in a ~~{public}~~ 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 that the program participant's actual address be disclosed to the third party.

(c) For a ~~{public}~~ record created within 90 days before the date that a program

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participant applied for enrollment in the program, a state or local government entity shall redact the actual address from ~~{a public}~~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 ~~{public}~~ record.

Section 13. Section ~~{53-19}~~62M-12-113 is enacted to read:

~~{53-19-113}~~62M-12-113. **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 and 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 ~~{office}~~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 other methods to locate the program participant's actual address have failed, or other methods will be unlikely to succeed; and

(d) that the state or local government entity has adopted a procedure ~~{with steps the state or local government entity will use }~~to protect the confidentiality of the program participant's actual address.

(3) In response to a request for disclosure under Subsection (2), the ~~{office}~~commission may request additional information from the state or local government entity in order 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 chapter.

(4) (a) Except as provided in Subsection (4)(b), after receiving a request for disclosure

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from a state or local government entity under Subsection (1), the {office}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 office, whether the request has been granted or denied by the {office}commission.

(b) The {office}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 {office}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 only be used 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 the other methods are unlikely to succeed; and

(d) the state or local government entity has adopted a procedure {for protecting}to protect the confidentiality of the program participant's actual address.

(6) If the {office}commission grants a request for disclosure under this section, the {office}commission shall provide the state or local government entity with a disclosure that contains:

(a) the program participant's actual address;

(b) a statement {with}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

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(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 {office} 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 {office} 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 agency may file a written appeal with the {office} commission no later than 15 days after the day on which the state or local government agency receives the written notification under Subsection (8).

(b) A state or local government agency filing a written appeal under Subsection (9)(a) shall:

(i) restate the information contained in the request for disclosure;

(ii) state the grounds on which the state or local government entity asserts the request for disclosure should be granted; and

(iii) respond to the {office's} commission's reason for denying the request for disclosure.

(c) The {office} commission shall make a final determination on the appeal within 30 days after the day on which the appeal is received by the {office} commission, unless the state or local government entity and the office agree to a different deadline.

(d) Before the {office} commission makes a final determination, the

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~~{office}~~commission may conduct a hearing or request additional information from the state or local government entity or the program participant.

Section 14. Section ~~{53-19}~~62M-12-114 is enacted to read:

~~{53-19-114}~~62M-12-114. **Service of process at the assigned address.**

(1) In accordance with ~~{rule (4)(d)(1)(A) of}~~the Utah Rules of Civil Procedure, Rule (4)(d)(1)(A), the ~~{office}~~commission is the agent authorized to receive process for a program participant.

(2) In accordance with ~~{rule (5)(b)(3)(c) of}~~the Utah Rules of Civil Procedure, Rule (5)(b)(3)(c), the last known address for a program participant is the program participant's assigned address, not the program participant's actual address.

Section 15. Section ~~{53-19}~~62M-12-115 is enacted to read:

~~{53-19-115}~~62M-12-115. **Participation in the program -- Orders in relation to allocation of custody or parent-time.**

(1) A court may not ~~{discriminate against a parent because of, or otherwise}~~ consider the 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 chapter 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.

Section 16. Section ~~{53-19}~~62M-12-116 is enacted to read:

~~{53-19-116}~~62M-12-116. **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 Judicial Council 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, work, or school during a proceeding ~~{before}~~in a court or ~~{in an}~~ administrative proceeding, unless:

(a) the court ~~for}~~ orders the disclosure of the program participant's address; or

(b) an administrative tribunal finds, based on a preponderance of the evidence, that:

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(~~fa~~i) the disclosure is required in the interest of justice;

(~~fb~~ii) public interest in the disclosure substantially outweighs the potential harm to the program participant; or

(~~fc~~iii) no other alternative would satisfy the necessity of the disclosure.

(2) 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 seal the portion of a record that contains the program participant's actual address.

(3) 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 seal or not a public record.

Section 17. Section ~~{53-19}~~62M-12-117 is enacted to read:

~~{53-19-117}~~62M-12-117. **Cancellation of enrollment -- Records.**

(1) The ~~{office}~~commission shall cancel a program participant's enrollment in the program if:

(a) the program participant submits to the ~~{office}~~commission a written request to withdraw from enrollment in accordance with Section ~~{53-19-107}~~62M-12-107;

(b) the program participant fails to notify the ~~{office}~~commission of a change in the program participant's name, 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 ~~{office}~~commission is returned as undeliverable.

(2) (a) If the ~~{office}~~commission determines that there are grounds for cancelling a program participant's enrollment in accordance with Subsection (1), the ~~{office}~~commission shall send notice of the cancellation with the reason for cancellation to the program participant at the program participant's actual address.

(b) A program participant has 30 days to appeal the cancellation decision in accordance with procedures developed by the ~~{office}~~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

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the program participant that the assigned address is no longer valid.

(4) If the ~~{office}~~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 date on which the ~~{office}~~commission cancels the program participant's enrollment in the program.

Section 18. Section ~~{53-19}~~62M-12-118 is enacted to read:

~~{53-19-118}~~62M-12-118. Retention and destruction of records.

The ~~{office}~~commission shall establish policies and procedures regarding the maintenance and destruction of applications, records, and other documents received or generated under this chapter.

Section 19. Section ~~{53-19}~~62M-12-119 is enacted to read:

~~{53-19-119}~~62M-12-119. Immunity from suit.

(1) A program assistant or program assistant's employer is immune from liability in a civil action or proceeding involving the performance or nonperformance of a duty under the this chapter, unless the performance or nonperformance of a program participant was manifestly outside the scope of the program assistant's duties in the program or the program participant 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 ~~{office}~~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 address confidentiality program.

Section 20. Section 62M-12-120 is enacted to read:

62M-12-120. Address confidentiality program fund.

(1) There is created an expendable special revenue fund known as the Address Confidentiality Program Fund.

(2) The fund shall consist of gifts, grants, donations, and bequests of real property or personal property made to the fund.

(3) A donor to the fund may designate a specific purpose for the use of the donor's donation if the designated purpose is described in Subsection (4).

(4) Subject to Subsection (3), money in the fund shall be used for the following

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activities:

(a) efforts to designate, train, and manage program assistants;

(b) efforts to develop, distribute, and process application forms and related materials

for the program;

(c) efforts to assist applicants and program participants in enrolling in the program; and

(d) efforts to ensure program participants receive mail forwarded from the program to

the program participant's actual address.

(5) The state treasurer shall invest the money in the fund under Title 51, Chapter 7, State Money Management Act, except that all interest and other earning derived from the fund shall be deposited into the fund.

(6) Money in the fund may not be used for expenses of the commission that are normally provided for by legislative appropriation.

(7) No later than December 31 of each year, the commission shall provide to the Executive Offices and Criminal Justice Appropriations Subcommittee a written report regarding the status of the fund, including the contributions received and expenditures made by the commission.