

VICTIM ADDRESS CONFIDENTIALITY PROGRAM

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates an address confidentiality program for crime victims.

Highlighted Provisions:

This bill:

- ▶ addresses voter registration for individuals participating in an address confidentiality program;
- ▶ defines terms;
- ▶ creates an address confidentiality program in the State Commission on Criminal and Juvenile Justice;
- ▶ describes eligibility and application requirements for program participants;
- ▶ addresses the administrative responsibilities of the State Commission on Criminal and Juvenile Justice in maintaining the address confidentiality program;
- ▶ describes the permitted uses for assigned addresses;
- ▶ 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;
- ▶ addresses immunity and the retention and destruction of records; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-2-204**, as last amended by Laws of Utah 2020, Chapters 31, 95, 255 and last
33 amended by Coordination Clause, Laws of Utah 2020, Chapter 95

34 ENACTS:

35 **77-38-601**, Utah Code Annotated 1953

36 **77-38-602**, Utah Code Annotated 1953

37 **77-38-603**, Utah Code Annotated 1953

38 **77-38-604**, Utah Code Annotated 1953

39 **77-38-605**, Utah Code Annotated 1953

40 **77-38-606**, Utah Code Annotated 1953

41 **77-38-607**, Utah Code Annotated 1953

42 **77-38-608**, Utah Code Annotated 1953

43 **77-38-609**, Utah Code Annotated 1953

44 **77-38-610**, Utah Code Annotated 1953

45 **77-38-611**, Utah Code Annotated 1953

46 **77-38-612**, Utah Code Annotated 1953

47 **77-38-613**, Utah Code Annotated 1953

48 **77-38-614**, Utah Code Annotated 1953

49 **77-38-615**, Utah Code Annotated 1953

50 **77-38-616**, Utah Code Annotated 1953

51 **77-38-617**, Utah Code Annotated 1953

52 **77-38-618**, Utah Code Annotated 1953

53 **77-38-619**, Utah Code Annotated 1953

54 **77-38-620**, Utah Code Annotated 1953

55 **77-38-621**, Utah Code Annotated 1953



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

58 Section 1. Section **20A-2-204** is amended to read:

59 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

60 (1) As used in this section, "voter registration form" means, when an individual named
61 on a qualifying form, as defined in Section [20A-2-108](#), answers "yes" to the question described
62 in Subsection [20A-2-108\(2\)\(a\)](#), the information on the qualifying form that can be used for
63 voter registration purposes.

64 (2) (a) ~~[A]~~ Except as provided in Subsection (2)(b), a citizen who is qualified to vote
65 may register to vote, and a citizen who is qualified to preregister to vote may preregister to
66 vote, by answering "yes" to the question described in Subsection [20A-2-108\(2\)\(a\)](#) and
67 completing the voter registration form.

68 (b) A citizen who is a program participant in the Address Confidentiality Program
69 created in Section [77-38-602](#) is not eligible to register to vote as described in Subsection (2)(a),
70 but is eligible to register to vote by any other means described in this part.

71 (3) The Driver License Division shall:

72 (a) assist an individual in completing the voter registration form unless the individual
73 refuses assistance;

74 (b) electronically transmit each address change to the lieutenant governor within five
75 days after the day on which the division receives the address change; and

76 (c) within five days after the day on which the division receives a voter registration
77 form, electronically transmit the form to the Office of the Lieutenant Governor, including the
78 following for the individual named on the form:

79 (i) the name, date of birth, driver license or state identification card number, last four
80 digits of the social security number, Utah residential address, place of birth, and signature;

81 (ii) a mailing address, if different from the individual's Utah residential address;

82 (iii) an email address and phone number, if available;

83 (iv) the desired political affiliation, if indicated;

84 (v) an indication of whether the individual requested that the individual's voter
85 registration record be classified as a private record under Subsection [20A-2-108\(2\)\(b\)](#); and

86 (vi) a withholding request form described in Subsections [20A-2-104\(7\)](#) and (8) and any
87 verification submitted with the form.

88 (4) Upon receipt of an individual's voter registration form from the Driver License
89 Division under Subsection (3), the lieutenant governor shall:

90 (a) enter the information into the statewide voter registration database; and
91 (b) if the individual requests on the individual's voter registration form that the
92 individual's voter registration record be classified as a private record or the individual submits a
93 withholding request form described in Subsections 20A-2-104(7) and (8) and any required
94 verification, classify the individual's voter registration record as a private record.

95 (5) The county clerk of an individual whose information is entered into the statewide
96 voter registration database under Subsection (4) shall:

97 (a) ensure that the individual meets the qualifications to be registered or preregistered
98 to vote; and

99 (b) (i) if the individual meets the qualifications to be registered to vote:

100 (A) ensure that the individual is assigned to the proper voting precinct; and

101 (B) send the individual the notice described in Section 20A-2-304; or

102 (ii) if the individual meets the qualifications to be preregistered to vote, process the
103 form in accordance with the requirements of Section 20A-2-101.1.

104 (6) (a) When the county clerk receives a correctly completed voter registration form
105 under this section, the clerk shall:

106 (i) comply with the applicable provisions of this Subsection (6); or

107 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

108 (b) If the county clerk receives a correctly completed voter registration form under this
109 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days
110 before the date of an election, the county clerk shall:

111 (i) accept the voter registration form; and

112 (ii) unless the individual is preregistering to vote:

113 (A) enter the individual's name on the list of registered voters for the voting precinct in
114 which the individual resides; and

115 (B) notify the individual that the individual is registered to vote in the upcoming
116 election; and

117 (iii) if the individual named in the form is preregistering to vote, comply with Section
118 20A-2-101.1.

119 (c) If the county clerk receives a correctly completed voter registration form under this
120 section after the deadline described in Subsection (6)(b), the county clerk shall, unless the

121 individual named in the form is preregistering to vote:

122 (i) accept the application for registration of the individual;

123 (ii) process the voter registration form; and

124 (iii) unless the individual is preregistering to vote, and except as provided in

125 Subsection [20A-2-207\(6\)](#), inform the individual that the individual will not be registered to
 126 vote in the pending election, unless the individual registers to vote by provisional ballot during
 127 the early voting period, if applicable, or on election day, in accordance with Section
 128 [20A-2-207](#).

129 (7) (a) If the county clerk determines that an individual's voter registration form
 130 received from the Driver License Division is incorrect because of an error, because the form is
 131 incomplete, or because the individual does not meet the qualifications to be registered to vote,
 132 the county clerk shall mail notice to the individual stating that the individual has not been
 133 registered or preregistered because of an error, because the registration form is incomplete, or
 134 because the individual does not meet the qualifications to be registered to vote.

135 (b) If a county clerk believes, based upon a review of a voter registration form, that an
 136 individual, who knows that the individual is not legally entitled to register or preregister to
 137 vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer
 138 the form to the county attorney for investigation and possible prosecution.

139 Section 2. Section **77-38-601** is enacted to read:

140 **Part 6. Address Confidentiality Program**

141 **77-38-601. Definitions.**

142 As used in this part:

143 (1) "Abuse" means any of the following:

144 (a) "abuse" as that term is defined in Section [76-5-111](#) or [78A-6-105](#); or

145 (b) "child abuse" as that term is defined in Section [76-5-109](#).

146 (2) "Actual address" means the residential street address of the program participant that
 147 is stated in a program participant's application for enrollment or on a notice of a change of
 148 address under Section [77-38-610](#).

149 (3) "Assailant" means an individual who commits or threatens to commit abuse, human
 150 trafficking, domestic violence, stalking, or a sexual offense against an applicant for the
 151 program or a minor or incapacitated individual residing with an applicant for the program.

152 (4) "Assigned address" means an address designated by the commission and assigned
153 to a program participant.

154 (5) "Authorization card" means a card issued by the commission that identifies a
155 program participant as enrolled in the program with the program participant's assigned address
156 and the date on which the program participant will no longer be enrolled in the program.

157 (6) "Commission" means the State Commission on Criminal and Juvenile Justice
158 created in Section [63M-7-201](#).

159 (7) "Domestic violence" means the same as that term is defined in Section [77-36-1](#).

160 (8) "Human trafficking" means a human trafficking offense under Section [76-5-308](#).

161 (9) "Incapacitated individual" means an individual who is incapacitated, as defined in
162 Section [75-1-201](#).

163 (10) (a) "Mail" means first class letters or flats delivered by the United States Postal
164 Service, including priority, express, and certified mail.

165 (b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the
166 package, parcel, periodical, or catalogue is clearly identifiable as:

167 (i) being sent by a federal, state, or local agency or another government entity; or

168 (ii) a pharmaceutical or medical item.

169 (11) "Minor" means an individual who is younger than 18 years old.

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

173 (13) "Program" means the Address Confidentiality Program created in Section
174 [77-38-602](#).

175 (14) "Program assistant" means an individual designated by the commission under
176 Section [77-38-604](#) to assist an applicant or program participant.

177 (15) "Program participant" means an individual who is enrolled under Section
178 [77-38-606](#) by the commission to participate in the program.

179 (16) "Record" means the same as that term is defined in Section [63G-2-103](#).

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

182 (18) "Stalking" means the crime of stalking, as defined in Section [76-5-106.5](#).

183 (19) "State or local government entity" means a county, municipality, higher education
184 institution, local district, special service district, or any other political subdivision of the state
185 or an administrative subunit of the executive, legislative, or judicial branch of this state,
186 including:

187 (a) a law enforcement entity or any other investigative entity, agency, department,
188 division, bureau, board, or commission; or

189 (b) an individual acting or purporting to act for or on behalf of a state or local entity,
190 including an elected or appointed public official.

191 (20) "Victim" means a victim of abuse, domestic violence, human trafficking, stalking,
192 or sexual assault.

193 Section 3. Section **77-38-602** is enacted to read:

194 **77-38-602. Creation -- Office responsibilities.**

195 (1) There is created the Address Confidentiality Program within the commission.

196 (2) Under the program, the commission shall:

197 (a) designate, train, and manage program assistants;

198 (b) develop, distribute, and process application forms and related materials for the
199 program;

200 (c) designate an assigned address for a program participant to be used by the program
201 participant and a state or local government entity;

202 (d) receive mail sent to a program participant's assigned address, forward the mail to
203 the program participant's actual address at the commission's expense, and track and maintain
204 records for all mail received; and

205 (e) arrange for the program participant at the program participant's expense to receive
206 items other than mail if requested by the program participant and agreed to by the commission.

207 Section 4. Section **77-38-603** is enacted to read:

208 **77-38-603. Eligibility.**

209 (1) An applicant is eligible to participate in the program if the applicant attests that the
210 applicant:

211 (a) is a resident of this state;

212 (b) (i) is a victim;

213 (ii) is a parent or a guardian of an individual who:

- 214 (A) is a victim; and
- 215 (B) resides at the same address as the parent or guardian;
- 216 (iii) resides at the same address where a victim resides; or
- 217 (iv) fears for the applicant's physical safety, or for the physical safety of a minor or
- 218 incapacitated individual residing at the same address as the applicant, from a threat of abuse,
- 219 domestic violence, human trafficking, stalking, or sexual assault;
- 220 (c) (i) resided at a residential address that was known by an assailant and relocated
- 221 within the past 90 days to a different residential address that is not known by the assailant;
- 222 (ii) resides at a residential address known by the assailant and intends to relocate within
- 223 90 days to a different residential address in the state that is not known by the assailant; or
- 224 (iii) resides at a residential address that is not known by the assailant;
- 225 (d) will not disclose the different residential address to the assailant; and
- 226 (e) will benefit from participation in the program.
- 227 (2) An applicant may participate in the program regardless of whether:
- 228 (a) a criminal charge is filed against an assailant;
- 229 (b) the applicant has a restraining order or injunction against an assailant; or
- 230 (c) the applicant reported an act or threat by an assailant to a law enforcement agency
- 231 or officer.
- 232 (3) An applicant may participate in the program only upon the recommendation of a
- 233 program assistant.
- 234 (4) To participate in the program:
- 235 (a) an applicant shall sign, date, and verify the information on an application; and
- 236 (b) the commission shall verify the applicant's current residential address as provided
- 237 on the application.
- 238 (5) A parent or guardian may act on behalf of a minor or an incapacitated individual in
- 239 determining whether the minor or the incapacitated individual is eligible for the program.

240 Section 5. Section **77-38-604** is enacted to read:

241 **77-38-604. Designation of program assistants.**

- 242 (1) The commission may designate as a program assistant, an individual that:
- 243 (a) (i) is an employee of the commission or a state or local government entity; or
- 244 (ii) is a volunteer for an organization that provides counseling, assistance, or support

245 services at no charge to victims; and

246 (b) (i) provides counseling, referrals, or other services to victims; and

247 (ii) completes any training or registration process required by the commission.

248 (2) A program assistant shall:

249 (a) assist an applicant in preparing an application for the program; and

250 (b) sign, date, and verify an application for the program.

251 (3) A signature of a program assistant is a recommendation by the program assistant

252 that the applicant is eligible to participate in the program under Section [77-38-603](#).

253 Section 6. Section **77-38-605** is enacted to read:

254 **77-38-605. Administration -- Application.**

255 (1) The commission shall provide an application form to an applicant who seeks to
256 participate in the program under this chapter.

257 (2) The commission may not charge an applicant or program participant for an
258 application or participation fee to apply for, or participate in, the program.

259 (3) The application shall include:

260 (a) the applicant's name;

261 (b) a mailing address, a phone number, and an email address where the applicant may
262 be contacted by the commission;

263 (c) an indication regarding whether the assailant is employed by a state or local
264 government entity, and if applicable, the name of the state or local government entity;

265 (d) a statement that the applicant understands and consents to:

266 (i) remain enrolled in the program for four years, unless, under Section [77-38-617](#), the
267 applicant cancels the applicant's participation or is disenrolled;

268 (ii) while the applicant is enrolled in the program, notify the commission when the
269 applicant changes the applicant's actual address or legal name;

270 (iii) develop a safety plan with a program assistant;

271 (iv) authorize the commission to notify a state or local government entity that the
272 applicant is a program participant;

273 (v) submit written notice to the commission if the applicant chooses to cancel the
274 applicant's participation in the program;

275 (vi) register to vote in person at the office of the clerk in the county where the

276 applicant's actual address is located; and
277 (vii) certify that the commission is the applicant's designated agent for service of
278 process for personal service;
279 (e) evidence that the applicant, or a minor or an incapacitated individual residing with
280 the applicant, is a victim, including:
281 (i) a law enforcement, court, or other state, local, or federal government agency record;
282 or
283 (ii) a document from:
284 (A) a domestic violence program, facility, or shelter;
285 (B) a sexual assault program; or
286 (C) a religious, medical, or other professional from whom the applicant, or the minor
287 or the incapacitated individual residing with the applicant, sought assistance in dealing with
288 alleged abuse, domestic violence, stalking, or a sexual offense;
289 (f) a statement from the applicant that a disclosure of the applicant's actual address
290 would endanger the applicant, or a minor or an incapacitated individual residing with the
291 applicant;
292 (g) a statement by the applicant that the applicant:
293 (i) resides at a residential address that is not known by the assailant;
294 (ii) has relocated to a different residential address in the past 90 days that is not known
295 by the assailant; or
296 (iii) will relocate to a different residential address in the state within 90 days that is not
297 known by the assailant;
298 (h) the actual address that:
299 (i) the applicant requests that the commission not disclose; and
300 (ii) is at risk of discovery by the assailant or potential assailant;
301 (i) a statement by the applicant disclosing:
302 (i) the existence of a court order or action involving the applicant, or a minor or an
303 incapacitated individual residing with the applicant, related to a divorce proceeding, a child
304 support order or judgment, or the allocation of custody or parent-time; and
305 (ii) the court that issued the order or has jurisdiction over the action;
306 (j) the name of any other individual who resides with the applicant who needs to be a

307 program participant to ensure the safety of the applicant, or a minor or an incapacitated
308 individual residing with the applicant;

309 (k) a statement by the applicant that:

310 (i) the applicant, or a minor or an incapacitated individual residing at the same address
311 as the applicant, will benefit from participation in the program;

312 (ii) if the applicant intends to vote, the applicant will register to vote at the office of the
313 clerk in the county in which the applicant actually resides; and

314 (iii) the applicant is not a sex offender as defined in Section [77-41-102](#);

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

317 (m) a statement that any assistance or counseling provided by a program assistant as
318 part of the program does not constitute legal advice or legal services to the applicant.

319 Section 7. Section **77-38-606** is enacted to read:

320 **77-38-606. Enrollment of a program participant.**

321 (1) (a) Within five business days after the day on which the commission grants
322 enrollment to a program participant, the commission shall issue the program participant:

323 (i) an assigned address;

324 (ii) an authorization card; and

325 (iii) a notification form.

326 (b) An authorization card is valid while the program participant is enrolled in the
327 program.

328 (2) A program participant is enrolled in the program for four years beginning on the
329 day on which the enrollment is granted, unless the enrollment is withdrawn or cancelled under
330 Section [77-38-617](#) before the end of the four-year period.

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

333 (4) (a) A program participant may renew enrollment by filing a renewal application
334 with the commission at least 30 days before the day on which enrollment in the program will
335 expire.

336 (b) The applicant shall date, sign, and verify the renewal application.

337 (c) The renewal application shall contain:

338 (i) all statements or information required by Subsection 77-38-605(3) that have
339 changed from the original application or a prior renewal application;

340 (ii) a statement by the applicant that the applicant, or a minor or an incapacitated
341 individual residing at the same address as the applicant, will continue to benefit from
342 participation in the program; and

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

345 Section 8. Section 77-38-607 is enacted to read:

346 **77-38-607. Use of assigned address -- Release of information.**

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

349 (2) The commission shall provide, at the request of a program participant or a state or
350 local government entity, confirmation of an individual's status as a program participant.

351 (3) Except as provided in Sections 77-38-611, 77-38-612, and 77-38-613, the office
352 may not disclose a program participant's actual address to any person.

353 Section 9. Section 77-38-608 is enacted to read:

354 **77-38-608. Use of assigned address -- Confidentiality.**

355 (1) A program participant may use the assigned address provided to the program
356 participant to receive mail as provided in Subsection 77-38-602(2).

357 (2) (a) A state or local government entity may not refuse to use a program participant's
358 assigned address for any official business, unless, in accordance with statutory requirements,
359 the state or local government entity is required to use the program participant's actual address.

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

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

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

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

369 (c) intentionally disclose to another person or state or government entity the program
370 participant's actual address.

371 (4) Notwithstanding Subsections (2) and (3), a county clerk may require a program
372 participant to disclose the program participant's actual address:

373 (a) for voter registration; and

374 (b) to enroll a program participant in a program designed to protect the confidentiality
375 of a voter's address.

376 (5) If a program participant is enrolled in a program designed to protect the
377 confidentiality of a voter's address, a county clerk may not disclose the program participant's
378 actual address.

379 Section 10. Section **77-38-609** is enacted to read:

380 **77-38-609. Disclosure of actual address prohibited.**

381 (1) (a) The commission may not disclose a program participant's actual address, unless:

382 (i) required by a court order; or

383 (ii) the commission grants a request from a state or local government entity under
384 Section [77-38-612](#).

385 (b) The commission shall provide a program participant immediate notification of a
386 disclosure of the program participant's actual address if the disclosure is made under
387 Subsection (1)(a)(i) or (ii).

388 (2) If, at the time of application, an applicant, or a parent or guardian of an applicant, is
389 subject to a court order relating to a divorce proceeding, a child support order or judgment, or
390 an allocation of custody or parent-time, the commission shall provide notice of whether the
391 applicant is enrolled under the program and the assigned address of the applicant to the court
392 that issued the order or has jurisdiction over the action.

393 (3) A person may not knowingly or intentionally obtain a program participant's actual
394 address from the commission or any state or local government entity if the person is not
395 authorized to obtain the program participant's actual address.

396 (4) Unless the disclosure is permitted under this chapter or is otherwise permitted by
397 law, an employee of the commission or a state or local government entity may not knowingly
398 or intentionally disclose a program participant's actual address if:

399 (a) the employee obtains a program participant's actual address during the course of the

400 employee's official duties; and

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

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

405 Section 11. Section **77-38-610** is enacted to read:

406 **77-38-610. Change of name, address, or telephone number.**

407 (1) A program participant shall notify the commission no later than 30 days after the
408 day on which the program participant obtains a legal name change, by providing the
409 commission with a certified copy of a judgment or order establishing the name change, or any
410 other documentation that is sufficient evidence of the name change.

411 (2) A program participant shall notify the commission no later than 10 business days
412 after the day on which the program participant's actual address or telephone number changes
413 from the actual address or telephone number listed for the program participant.

414 (3) If a program participant remains enrolled in the program after a change of address,
415 the program participant may not change the program participant's assigned address with the
416 Driver License Division created under Section [53-3-103](#).

417 Section 12. Section **77-38-611** is enacted to read:

418 **77-38-611. Address use by state or local government entities.**

419 (1) A program participant is responsible for requesting that a state or local government
420 entity use the program participant's assigned address as the program participant's residential
421 address.

422 (2) Except as otherwise provided in this chapter, if a program participant submits a
423 valid authorization card, or a notification form, to a state or local government entity, the state
424 or local government entity shall accept the assigned address listed on the authorization card or
425 notification form as the program participant's address to be used as the program participant's
426 residential address when creating a record.

427 (3) The program participant's assigned address shall be listed as the last known address
428 if any last known address requirement is needed by the state or local government entity.

429 (4) The state or local government entity may photocopy a program participant's
430 authorization card for a record for the state or local government entity, but the state or local

431 government entity shall immediately return the authorization card to the program participant.

432 (5) (a) An election official, as defined in Section 20A-1-102, shall:

433 (i) use a program participant's actual address for precinct designation and all official
434 election-related purposes; and

435 (ii) keep the program participant's actual address confidential from the public.

436 (b) A program participant may not use the program participant's assigned address for
437 voter registration.

438 (c) An election official shall use the assigned address for all correspondence and mail
439 for the program participant placed in the United States mail.

440 (d) A state or local government entity's access to a program participant's voter
441 registration is subject to the request for disclosure process under Section 77-38-612.

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

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

447 (b) All property assessments and tax notices, property tax collection notices, and all
448 property related correspondence placed in the United States mail for the program participant
449 shall be addressed to the assigned address.

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

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

456 (8) If a program participant is required by law to swear or affirm to the program
457 participant's address, the program participant may use the program participant's assigned
458 address.

459 (9) (a) A school district shall:

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

461 (ii) verify student enrollment eligibility with the commission.

462 (b) The commission shall help facilitate the transfer of student records as needed.

463 (10) (a) Notwithstanding Title 63G, Chapter 2, Government Records Access and
464 Management Act, a record containing a program participant's address is confidential and,
465 regardless of the record's classification under Title 63G, Chapter 2, Part 3, Classification, may
466 not be disclosed by a state or government entity, unless otherwise provided under this chapter.

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

469 (i) in a record created more than 90 days before the date on which the program
470 participant applied for enrollment in the program; or

471 (ii) if a program participant voluntarily requests, in writing, that the program
472 participant's actual address be disclosed to the third party.

473 (c) For a record created within 90 days before the date that a program participant
474 applied for enrollment in the program, a state or local government entity shall redact the actual
475 address from the record or change the actual address to the assigned address in the public
476 record if the program participant presents a valid authorization card or a notification form and
477 requests that the state or local government entity use the assigned address instead of the actual
478 address on the record.

479 Section 13. Section **77-38-612** is enacted to read:

480 **77-38-612. Request for disclosure.**

481 (1) A state or local government entity requesting disclosure of a program participant's
482 actual address in accordance with this section shall make the request:

483 (a) in writing;

484 (b) on the state or local government entity's letterhead; and

485 (c) with the signature of the head or an executive-level official of the state or local
486 government entity.

487 (2) In accordance with Subsection (1), a state or local government entity requesting
488 disclosure of a program participant's actual address shall provide the commission with the
489 name of the program participant and a statement:

490 (a) explaining why the state or local government entity is requesting the program
491 participant's actual address;

492 (b) explaining why the state or local government entity cannot meet the state or local

493 government entity's statutory or administrative obligations without the disclosure of the
494 program participant's actual address;

495 (c) of facts showing that:

496 (i) other methods to locate the program participant's actual address have failed;

497 (ii) other methods will be unlikely to succeed; or

498 (iii) other means of contacting the program participant have failed or are unavailable;

499 and

500 (d) that the state or local government entity has adopted a procedure to protect the
501 confidentiality of the program participant's actual address.

502 (3) In response to a request for disclosure under Subsection (2), the commission may
503 request additional information from the state or local government entity to help identify the
504 program participant in the records of the office or to assess whether disclosure to the state or
505 local government entity is permitted under this chapter.

506 (4) (a) Except as provided in Subsection (4)(b), after receiving a request for disclosure
507 from a state or local government entity under Subsection (1), the commission shall provide a
508 program participant with written notification:

509 (i) informing the participant of the request, and to the extent possible, of an opportunity
510 to be heard regarding the request; and

511 (ii) after a decision is made by the commission, whether the request has been granted
512 or denied.

513 (b) The commission is not required to provide notice of a request for disclosure to a
514 program participant under Subsection (4)(a) when:

515 (i) the request is made by a state or local law enforcement agency conducting a
516 criminal investigation involving alleged criminal conduct by the program participant; or

517 (ii) providing notice to the program participant would jeopardize an ongoing criminal
518 investigation or the safety of law enforcement personnel.

519 (5) The commission shall grant a state or local government entity's request for
520 disclosure and disclose the program participant's actual address if:

521 (a) the state or local government entity has demonstrated a good faith statutory or
522 administrative need for the actual address;

523 (b) the actual address will be used only for the purpose stated in the request;

524 (c) other methods to locate the program participant or the program participant's actual
525 address have failed or are unlikely to succeed;

526 (d) other means of contacting the program participant have failed or are unavailable;
527 and

528 (e) the state or local government entity has adopted a procedure to protect the
529 confidentiality of the program participant's actual address.

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

532 (a) the program participant's actual address;

533 (b) a statement of the permitted use of the program participant's actual address;

534 (c) the names or classes of persons permitted to have access to or use of the program
535 participant's actual address;

536 (d) a statement that the state or local government entity is required to limit access to
537 and use of the program participant's actual address to the permitted use and to the listed persons
538 or classes of persons; and

539 (e) if expiration of the disclosure is appropriate, the date on which the permitted use of
540 the program participant's actual address expires.

541 (7) If a request for disclosure is granted by the commission, a state or local government
542 entity shall:

543 (a) limit use of the program participant's actual address to the purpose stated in the
544 disclosure;

545 (b) limit access to the program participant's actual address to the persons or classes of
546 persons stated in the disclosure;

547 (c) cease use of the program participant's actual address upon the expiration of the
548 permitted use;

549 (d) dispose of the program participant's actual address upon the expiration of the
550 permitted use; and

551 (e) except as permitted in the request for disclosure, maintain the confidentiality of the
552 program participant's actual address.

553 (8) Upon denial of a state or local government entity's request for disclosure, the
554 commission shall promptly provide a written notification to the state or local government entity

555 explaining the specific reasons for denying the request for disclosure.

556 (9) (a) A state or local government entity may file a written appeal with the
557 commission no later than 15 days after the day on which the state or local government entity
558 receives the written notification under Subsection (8).

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

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

562 (ii) respond to the commission's reason for denying the request for disclosure.

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

566 (d) Before the commission makes a final determination, the commission may conduct a
567 hearing or request additional information from the state or local government entity or the
568 program participant.

569 Section 14. Section **77-38-613** is enacted to read:

570 **77-38-613. Request for disclosure by law enforcement.**

571 (1) The commission shall establish a process to expedite a request submitted by a law
572 enforcement officer or agency for the disclosure of information regarding a program participant
573 whom is involved in a criminal proceeding or investigation within 24 hours of the law
574 enforcement officer or agency submitting the request.

575 (2) If a law enforcement officer or agency seeks the disclosure of a program
576 participant's actual address from the commission under Subsection (1), the law enforcement
577 officer or agency shall certify to the commission, or the commission's designee, that the official
578 or agency has a system in place to protect the program participant's actual address from
579 disclosure to:

580 (a) the public; and

581 (b) law enforcement personnel who are not involved in the criminal proceeding or
582 investigation for which the disclosure is requested.

583 (3) Upon expiration of the use for the program participant's actual address in a criminal
584 proceeding or investigation, a law enforcement officer or agency shall remove the program
585 participant's actual address from any record system maintained by the law enforcement officer

586 or agency.

587 Section 15. Section **77-38-614** is enacted to read:

588 **77-38-614. Service of process at the assigned address.**

589 (1) In accordance with the Utah Rules of Civil Procedure, Rule 4, the commission is
590 the agent authorized to receive process for a program participant.

591 (2) In accordance with the Utah Rules of Civil Procedure, Rule 5, the last known
592 address for a program participant is the program participant's assigned address, not the program
593 participant's actual address.

594 Section 16. Section **77-38-615** is enacted to read:

595 **77-38-615. Participation in the program -- Orders in relation to allocation of**
596 **custody or parent-time.**

597 (1) A court may not consider a parent's participation in the program for the purpose of
598 making an order allocating custody under Section [30-3-10](#) or parent-time under Section
599 [30-3-32](#).

600 (2) A court shall take practical measures to keep a program participant's actual address
601 confidential when making an order allocating custody or parent-time.

602 (3) Nothing in this chapter affects an order relating to the allocation of custody or
603 parent-time in effect prior to or during a program participant's participation in the program.

604 Section 17. Section **77-38-616** is enacted to read:

605 **77-38-616. Disclosure of address or identifiable information in a judicial or**
606 **administrative proceeding.**

607 (1) A program participant may submit the program participant's actual address to the
608 court as a safeguarded record in accordance with the Utah Code of Judicial Administration,
609 Rule 4-202.02.

610 (2) A person may not compel disclosure of a program participant's actual address or
611 identifying information related to the program participant's residence during a proceeding in a
612 court or administrative proceeding, unless:

613 (a) the court orders the disclosure of the program participant's address; or

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

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

616 (ii) public interest in the disclosure substantially outweighs the potential harm to the

617 program participant; or

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

619 (3) If disclosure of a program participant's actual address is required in a proceeding
620 before a court or administrative tribunal, the court or administrative tribunal may seal the
621 portion of a record that contains the program participant's actual address.

622 (4) Nothing in this section prevents a state or local government entity from using a
623 program participant's actual address in filing a document or record with a court or
624 administrative tribunal if, at the time of the filing, the document or record is filed under seal or
625 not a public record.

626 Section 18. Section **77-38-617** is enacted to read:

627 **77-38-617. Cancellation of enrollment -- Records.**

628 (1) The commission shall cancel a program participant's enrollment in the program if:

629 (a) the program participant submits to the commission a written request to withdraw
630 from enrollment in accordance with Section [77-38-606](#);

631 (b) the program participant fails to notify the commission of a change in the program
632 participant's name, actual address, or telephone number that is listed on the application;

633 (c) the program participant, or a parent or guardian of the program participant,
634 knowingly submits false information in the program application; or

635 (d) mail forwarded to the program participant by the commission is returned as
636 undeliverable.

637 (2) (a) If the commission determines that there are grounds for cancelling a program
638 participant's enrollment in accordance with Subsection (1), the commission shall send notice of
639 the cancellation with the reason for cancellation to the program participant at the program
640 participant's actual address and email address.

641 (b) A program participant has 30 days to appeal the cancellation decision in accordance
642 with procedures developed by the commission.

643 (3) A program participant who receives a notice of cancellation is responsible for
644 notifying a person who uses the program participant's assigned address to communicate with
645 the program participant that the assigned address is no longer valid.

646 (4) If the commission cancels a program participant's enrollment in the program, the
647 program participant is not eligible to participate in the program for six months after the day on

648 which the commission cancels the program participant's enrollment in the program.

649 Section 19. Section **77-38-618** is enacted to read:

650 **77-38-618. Retention and destruction of records.**

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

654 Section 20. Section **77-38-619** is enacted to read:

655 **77-38-619. Immunity from suit.**

656 (1) A program assistant or program assistant's employer is immune from liability in a
657 civil action or proceeding involving the performance or nonperformance of a duty under the
658 this chapter, unless the performance or nonperformance of a program participant was
659 manifestly outside the scope of the program assistant's duties in the program or the program
660 participant acted with malicious purpose, bad faith, or in a wanton or reckless manner.

661 (2) In addition to the governmental immunity granted in Title 63G, Chapter 7,
662 Governmental Immunity Act of Utah, or any other governmental immunity provided by law,
663 the commission, the state, and the political subdivisions of the state are immune from liability
664 in a civil action or proceeding involving the performance or nonperformance of a duty under
665 the program.

666 Section 21. Section **77-38-620** is enacted to read:

667 **77-38-620. Address Confidentiality Program Fund.**

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

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

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

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

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

677 (b) efforts to develop, distribute, and process application forms and related materials
678 for the program;

679 (c) efforts to assist applicants and program participants in enrolling in the program; and
680 (d) efforts to ensure program participants receive mail forwarded from the program to
681 the program participant's actual address.

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

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

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

691 Section 22. Section **77-38-621** is enacted to read:

692 **77-38-621. Rulemaking.**

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

695 (1) establish a process to expedite requests from law enforcement officers and agencies
696 in accordance with Section [77-38-613](#);

697 (2) establish procedures for an appeal process regarding cancellation of enrollment
698 under Section [77-38-617](#); and

699 (3) establish the procedures for the retention and destruction of records and other
700 documents in accordance with Section [77-38-618](#).