

VICTIM ADDRESS CONFIDENTIALITY PROGRAM

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

Senate Sponsor: Todd D. Weiler

Cosponsors:	Suzanne Harrison	V. Lowry Snow
Clare Collard	Brian S. King	
Jennifer Dailey-Provost	Karen Kwan	
Matthew H. Gwynn		

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;
- ▶ addresses the use and disclosure of an address by state and local government entities;
- ▶ addresses service of process, disclosure in judicial and administrative proceedings,

- 27 and orders relating to custody and parent-time;
- 28 ▶ addresses immunity and the retention and destruction of records;
- 29 ▶ creates the Address Confidentiality Program Restricted Account;
- 30 ▶ provides rulemaking authority to the State Commission on Criminal and Juvenile
- 31 Justice; and
- 32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill provides a special effective date.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **20A-2-204**, as last amended by Laws of Utah 2020, Chapters 31, 95, 255 and last

40 amended by Coordination Clause, Laws of Utah 2020, Chapter 95

41 **59-2-407**, as last amended by Laws of Utah 2018, Chapters 432 and 436

42 ENACTS:

43 **77-38-601**, Utah Code Annotated 1953

44 **77-38-602**, Utah Code Annotated 1953

45 **77-38-603**, Utah Code Annotated 1953

46 **77-38-604**, Utah Code Annotated 1953

47 **77-38-605**, Utah Code Annotated 1953

48 **77-38-606**, Utah Code Annotated 1953

49 **77-38-607**, Utah Code Annotated 1953

50 **77-38-608**, Utah Code Annotated 1953

51 **77-38-609**, Utah Code Annotated 1953

52 **77-38-610**, Utah Code Annotated 1953

53 **77-38-611**, Utah Code Annotated 1953

- 54 [77-38-612](#), Utah Code Annotated 1953
 - 55 [77-38-613](#), Utah Code Annotated 1953
 - 56 [77-38-614](#), Utah Code Annotated 1953
 - 57 [77-38-615](#), Utah Code Annotated 1953
 - 58 [77-38-616](#), Utah Code Annotated 1953
 - 59 [77-38-617](#), Utah Code Annotated 1953
 - 60 [77-38-618](#), Utah Code Annotated 1953
 - 61 [77-38-619](#), Utah Code Annotated 1953
 - 62 [77-38-620](#), Utah Code Annotated 1953
 - 63 [77-38-621](#), Utah Code Annotated 1953
-

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

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

67 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

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

79 (3) The Driver License Division shall:

80 (a) assist an individual in completing the voter registration form unless the individual

81 refuses assistance;

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

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

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

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

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

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

92 (v) an indication of whether the individual requested that the individual's voter
93 registration record be classified as a private record under Subsection 20A-2-108(2)(b); and

94 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
95 verification submitted with the form.

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

98 (a) enter the information into the statewide voter registration database; and

99 (b) if the individual requests on the individual's voter registration form that the
100 individual's voter registration record be classified as a private record or the individual submits a
101 withholding request form described in Subsections 20A-2-104(7) and (8) and any required
102 verification, classify the individual's voter registration record as a private record.

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

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

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

108 (A) ensure that the individual is assigned to the proper voting precinct; and
109 (B) send the individual the notice described in Section 20A-2-304; or
110 (ii) if the individual meets the qualifications to be preregistered to vote, process the
111 form in accordance with the requirements of Section 20A-2-101.1.

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

114 (i) comply with the applicable provisions of this Subsection (6); or
115 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

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

119 (i) accept the voter registration form; and
120 (ii) unless the individual is preregistering to vote:

121 (A) enter the individual's name on the list of registered voters for the voting precinct in
122 which the individual resides; and
123 (B) notify the individual that the individual is registered to vote in the upcoming
124 election; and
125 (iii) if the individual named in the form is preregistering to vote, comply with Section
126 20A-2-101.1.

127 (c) If the county clerk receives a correctly completed voter registration form under this
128 section after the deadline described in Subsection (6)(b), the county clerk shall, unless the
129 individual named in the form is preregistering to vote:

130 (i) accept the application for registration of the individual;
131 (ii) process the voter registration form; and
132 (iii) unless the individual is preregistering to vote, and except as provided in
133 Subsection 20A-2-207(6), inform the individual that the individual will not be registered to
134 vote in the pending election, unless the individual registers to vote by provisional ballot during

135 the early voting period, if applicable, or on election day, in accordance with Section
136 20A-2-207.

137 (7) (a) If the county clerk determines that an individual's voter registration form
138 received from the Driver License Division is incorrect because of an error, because the form is
139 incomplete, or because the individual does not meet the qualifications to be registered to vote,
140 the county clerk shall mail notice to the individual stating that the individual has not been
141 registered or preregistered because of an error, because the registration form is incomplete, or
142 because the individual does not meet the qualifications to be registered to vote.

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

147 Section 2. Section 59-2-407 is amended to read:

148 **59-2-407. Administration of uniform fees.**

149 (1) (a) Except as provided in Subsection 59-2-405(4) or 59-2-405.3(4), the uniform fee
150 authorized in Sections 59-2-405, 59-2-405.3, and 72-10-110.5 shall be assessed at the same
151 time and in the same manner as ad valorem personal property taxes under Chapter 2, Part 13,
152 Collection of Taxes, except that in listing personal property subject to the uniform fee with real
153 property as permitted by Section 59-2-1302, the assessor or, if this duty has been reassigned in
154 an ordinance under Section 17-16-5.5, the treasurer shall list only the amount of the uniform
155 fee due, and not the taxable value of the property subject to the uniform fee.

156 (b) Except as provided in Subsections 59-2-405.1(4), 59-2-405.2(5), and
157 59-2-405.3(4), the uniform fee imposed by Section 59-2-405.1, 59-2-405.2, or 59-2-405.3 shall
158 be assessed at the time of:

159 (i) registration as defined in Section 41-1a-102; and

160 (ii) renewal of registration.

161 (2) The remedies for nonpayment of the uniform fees authorized by Sections 59-2-405,

162 [59-2-405.1](#), [59-2-405.2](#), [59-2-405.3](#), and [72-10-110.5](#) shall be the same as those provided in
163 Chapter 2, Part 13, Collection of Taxes, for nonpayment of ad valorem personal property taxes.

164 (3) Any disclosure of information to a county for purposes of distributing a uniform fee
165 under this part is not subject to Title 77, Chapter 38, Part 6, Address Confidentiality Program.

166 Section 3. Section **77-38-601** is enacted to read:

167 **Part 6. Address Confidentiality Program**

168 **77-38-601. Definitions.**

169 As used in this part:

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

171 (a) "abuse" as that term is defined in Section [76-5-111](#) or [80-1-102](#); or

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

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

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

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

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

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

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

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

188 (9) "Incapacitated individual" means an individual who is incapacitated, as defined in

189 Section 75-1-201.

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

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

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

195 (ii) a pharmaceutical or medical item.

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

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

200 (13) "Program" means the Address Confidentiality Program created in Section
201 77-38-602.

202 (14) "Program assistant" means an individual designated by the commission under
203 Section 77-38-604 to assist an applicant or program participant.

204 (15) "Program participant" means an individual who is enrolled under Section
205 77-38-606 by the commission to participate in the program.

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

207 (17) "Sexual offense" means:

208 (a) a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; or

209 (b) a sexual exploitation offense under Title 76, Chapter 5b, Part 2, Sexual
210 Exploitation.

211 (18) "Stalking" means the same as that term is defined in Section 76-5-106.5.

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

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

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

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

222 Section 4. Section **77-38-602** is enacted to read:

223 **77-38-602. Creation -- Commission responsibilities.**

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

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

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

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

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

231 (d) receive mail sent to a program participant's assigned address, forward the mail to
232 the program participant's actual address at the commission's expense, and track and maintain
233 records for all mail received.

234 Section 5. Section **77-38-603** is enacted to read:

235 **77-38-603. Eligibility.**

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

238 (a) is a resident of this state;

239 (b) (i) is a victim;

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

241 (A) is a victim; and

242 (B) resides at the same address as the parent or guardian;

243 (iii) resides at the same address where a victim resides; or
244 (iv) fears for the applicant's physical safety, or for the physical safety of a minor or
245 incapacitated individual residing at the same address as the applicant, from a threat of abuse,
246 domestic violence, human trafficking, stalking, or sexual assault;

247 (c) (i) resided at a residential address that was known by an assailant and relocated
248 within the past 90 days to a different residential address that is not known by the assailant;

249 (ii) resides at a residential address known by the assailant and intends to relocate within
250 90 days to a different residential address in the state that is not known by the assailant; or

251 (iii) resides at a residential address that is not known by the assailant;

252 (d) will not disclose the different residential address to the assailant; and

253 (e) will benefit from participation in the program.

254 (2) An applicant may participate in the program regardless of whether:

255 (a) a criminal charge is filed against an assailant;

256 (b) the applicant has a restraining order or injunction against an assailant; or

257 (c) the applicant reported an act or threat by an assailant to a law enforcement agency
258 or officer.

259 (3) An applicant may participate in the program only upon the recommendation of a
260 program assistant.

261 (4) To participate in the program:

262 (a) an applicant shall sign, date, and verify the information on an application; and

263 (b) the commission shall verify the applicant's current residential address as provided
264 on the application.

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

267 Section 6. Section **77-38-604** is enacted to read:

268 **77-38-604. Designation of program assistants.**

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

270 (a) (i) is an employee of the commission or a state or local government entity; or
271 (ii) is a volunteer for an organization that provides counseling, assistance, or support
272 services at no charge to victims; and

273 (b) (i) provides counseling, referrals, or other services to victims; and
274 (ii) completes any training or registration process required by the commission.

275 (2) A program assistant shall:

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

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

278 (3) A signature of a program assistant is a recommendation by the program assistant
279 that the applicant is eligible to participate in the program under Section [77-38-603](#).

280 Section 7. Section **77-38-605** is enacted to read:

281 **77-38-605. Administration -- Application.**

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

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

286 (3) The application shall include:

287 (a) the applicant's name;

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

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

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

293 (i) remain enrolled in the program for four years, unless the applicant's participation in
294 the program is cancelled under Section [77-38-617](#);

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

- 297 (iii) develop a safety plan with a program assistant;
298 (iv) authorize the commission to notify a state or local government entity that the
299 applicant is a program participant;
300 (v) submit written notice to the commission if the applicant chooses to cancel the
301 applicant's participation in the program;
302 (vi) register to vote in person at the office of the clerk in the county where the
303 applicant's actual address is located; and
304 (vii) certify that the commission is the applicant's designated agent for service of
305 process for personal service;
306 (e) evidence that the applicant, or a minor or an incapacitated individual residing with
307 the applicant, is a victim, including:
308 (i) a law enforcement, court, or other state, local, or federal government agency record;
309 or
310 (ii) a document from:
311 (A) a domestic violence program, facility, or shelter;
312 (B) a sexual assault program; or
313 (C) a religious, medical, or other professional from whom the applicant, or the minor
314 or the incapacitated individual residing with the applicant, sought assistance in dealing with
315 alleged abuse, domestic violence, stalking, or a sexual offense;
316 (f) a statement from the applicant that a disclosure of the applicant's actual address
317 would endanger the applicant, or a minor or an incapacitated individual residing with the
318 applicant;
319 (g) a statement by the applicant that the applicant:
320 (i) resides at a residential address that is not known by the assailant;
321 (ii) has relocated to a different residential address in the past 90 days that is not known
322 by the assailant; or
323 (iii) will relocate to a different residential address in the state within 90 days that is not

324 known by the assailant;
325 (h) the actual address that:
326 (i) the applicant requests that the commission not disclose; and
327 (ii) is at risk of discovery by the assailant or potential assailant;
328 (i) a statement by the applicant disclosing:
329 (i) the existence of a court order or action involving the applicant, or a minor or an
330 incapacitated individual residing with the applicant, related to a divorce proceeding, a child
331 support order or judgment, or the allocation of custody or parent-time; and
332 (ii) the court that issued the order or has jurisdiction over the action;
333 (j) the name of any other individual who resides with the applicant who needs to be a
334 program participant to ensure the safety of the applicant, or a minor or an incapacitated
335 individual residing with the applicant;
336 (k) a statement by the applicant that:
337 (i) the applicant, or a minor or an incapacitated individual residing at the same address
338 as the applicant, will benefit from participation in the program;
339 (ii) if the applicant intends to vote, the applicant will register to vote at the office of the
340 clerk in the county in which the applicant actually resides;
341 (iii) the applicant does not have a current obligation to register as a sex offender or a
342 kidnap offender under Title 77, Chapter 41, Sex and Kidnap Offender Registry; and
343 (iv) the applicant does not have a current obligation to register as a child abuse
344 offender under Title 77, Chapter 43, Child Abuse Offender Registry;
345 (l) a statement by the applicant, under penalty of perjury, that the information
346 contained in the application is true;
347 (m) a statement that:
348 (i) if the applicant intends to use the assigned address for any correspondence with the
349 State Tax Commission, the applicant must provide the State Tax Commission with the
350 applicant's social security number, federal employee identification number, and any other

351 identification number related to a tax, fee, charge, or license administered by the State Tax
352 Commission; and

353 (ii) if the applicant intends to use the assigned address for correspondence to a state or
354 local government entity for the purpose of titling or registering a motor vehicle or a watercraft
355 that is owned or leased by the applicant, the applicant shall provide to the state or local
356 government entity for each motor vehicle or watercraft:

357 (A) the motor vehicle or hull identification number;

358 (B) the license plate or registration number for the motor vehicle or the watercraft; and

359 (C) the physical address where each motor vehicle or watercraft is stored; and

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

362 Section 8. Section **77-38-606** is enacted to read:

363 **77-38-606. Enrollment of a program participant.**

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

366 (i) an assigned address;

367 (ii) an authorization card; and

368 (iii) a notification form.

369 (b) An authorization card is valid while the program participant is enrolled in the
370 program.

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

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

376 (4) (a) A program participant may renew enrollment by filing a renewal application
377 with the commission at least 30 days before the day on which enrollment in the program will

378 expire.

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

380 (c) The renewal application shall contain:

381 (i) all statements or information required by Subsection [77-38-605\(3\)](#) that have
382 changed from the original application or a prior renewal application;

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

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

388 Section 9. Section **77-38-607** is enacted to read:

389 **77-38-607. Use of assigned address -- Release of information.**

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

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

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

396 Section 10. Section **77-38-608** is enacted to read:

397 **77-38-608. Use of assigned address -- Confidentiality.**

398 (1) A program participant may use the assigned address provided to the program
399 participant to receive mail as provided in Subsection [77-38-602\(2\)](#).

400 (2) (a) A state or local government entity may not refuse to use a program participant's
401 assigned address for any official business, unless:

402 (i) the state or local government entity is statutorily required to use the program
403 participant's actual address; or

404 (ii) the state or local government entity is permitted or required to use the program

405 participant's actual address under this part.

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

408 (3) A state or local government entity, after receiving a copy of the notification form
409 from a program participant or a notification of the program participant's enrollment from the
410 commission, may not:

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

414 (b) except as provided in Subsection (4), require a program participant to disclose the
415 program participant's actual address; or

416 (c) except as provided in Section [77-38-611](#), intentionally disclose to another person or
417 state or government entity the program participant's actual address.

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

420 (a) for voter registration; and

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

423 (5) If a program participant is enrolled in a program designed to protect the
424 confidentiality of a voter's address, a county clerk:

425 (a) shall classify the program participant's actual address as concealed; and

426 (b) may not disclose the program participant's actual address.

427 Section 11. Section **77-38-609** is enacted to read:

428 **77-38-609. Disclosure of actual address prohibited.**

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

430 (i) required by a court order; or

431 (ii) the commission grants a request from a state or local government entity under

432 Section 77-38-612.

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

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

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

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

447 (a) the employee obtains a program participant's actual address during the course of the
448 employee's official duties; and

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

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

453 Section 12. Section **77-38-610** is enacted to read:

454 **77-38-610. Change of name, address, or telephone number.**

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

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

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

465 Section 13. Section **77-38-611** is enacted to read:

466 **77-38-611. Address use by state or local government entities.**

467 (1) Except as otherwise provided in Subsection (7), a program participant is
468 responsible for requesting that a state or local government entity use the program participant's
469 assigned address as the program participant's residential address.

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

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

477 (4) The state or local government entity may photocopy a program participant's
478 authorization card for a record for the state or local government entity, but the state or local
479 government entity shall immediately return the authorization card to the program participant.

480 (5) (a) An election official, as defined in Section [20A-1-102](#), shall:

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

483 (ii) classify the program participant's actual address as concealed; and

484 (iii) keep the program participant's actual address confidential from the public.

485 (b) A program participant may not use the program participant's assigned address for

486 voter registration.

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

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

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

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

495 (b) Except as provided by Subsection (6)(c), all property assessments and tax notices,
496 property tax collection notices, and all property related correspondence placed in the United
497 States mail for the program participant shall be addressed to the assigned address.

498 (c) The State Tax Commission shall use the actual address of a program participant,
499 unless the commission provides the following information to the State Tax Commission:

500 (i) the full name of the program participant; and

501 (ii) the applicant's social security number, federal employee identification number, and
502 any other identification number related to a tax, fee, charge, or license administered by the
503 State Tax Commission.

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

507 (b) Except as provided by Subsection (7)(c), all motor vehicle and watercraft
508 assessments and tax notices, title registration notices, and all related correspondence placed in
509 the United States mail for the program participant is required to be addressed to the assigned
510 address.

511 (c) The Motor Vehicle Division shall use the actual address of a program participant,
512 unless the commission provides the following information to the Motor Vehicle Division:

- 513 (i) the full name of the program participant;
514 (ii) the assigned address of the program participant;
515 (iii) the motor vehicle or hull identification number for each motor vehicle or
516 watercraft that is owned or leased by the program participant;
517 (iv) the license plate or registration number for each motor vehicle or watercraft that is
518 owned or leased by the program participant; and
519 (v) the physical address where each motor vehicle or watercraft that is owned or leased
520 by the program participant.
521 (d) Notwithstanding any other provision of this part, the Motor Vehicle Division may
522 disclose to another state or local government entity all information that is necessary for the
523 state or local government entity to distribute any taxes or fees collected for titling or registering
524 a motor vehicle or a watercraft.
525 (e) Notwithstanding Section [41-1a-116](#) or any other provision of this part, the Motor
526 Vehicle Division may not disclose the actual address of a program participant described in
527 Subsection [77-38-605\(3\)\(m\)\(ii\)](#) to:
528 (i) the Utah Criminal Justice Information System; or
529 (ii) the title, lien, and registration system that is provided to the Motor Vehicle
530 Division by a third party contractor and is accessed in accordance with Subsection
531 [41-1a-116\(4\)](#).
532 (8) (a) The Department of Corrections, or any other entity responsible for supervising a
533 program participant who is on probation or parole as a result of a criminal conviction or an
534 adjudication, may not use the program participant's assigned address if the program
535 participant's actual address is necessary for supervising the program participant.
536 (b) All written communication delivered through the United States mail to the program
537 participant by the Department of Corrections, or the other entity described in Subsection (8)(a),
538 shall be addressed to the program participant's assigned address.
539 (9) If a program participant is required by law to swear or affirm to the program

540 participant's address, the program participant may use the program participant's assigned
541 address.

542 (10) (a) A school district shall:

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

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

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

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

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

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

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

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

562 Section 14. Section **77-38-612** is enacted to read:

563 **77-38-612. Request for disclosure.**

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

566 (a) in writing;

567 (b) on the state or local government entity's letterhead; and
568 (c) with the signature of the head or an executive-level official of the state or local
569 government entity.

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

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

575 (b) explaining why the state or local government entity cannot meet the state or local
576 government entity's statutory or administrative obligations without the disclosure of the
577 program participant's actual address;

578 (c) of facts showing that:

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

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

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

582 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

621 or classes of persons; and

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

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

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

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

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

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

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

636 (8) Upon denial of a state or local government entity's request for disclosure, the
637 commission shall promptly provide a written notification to the state or local government entity
638 explaining the specific reasons for denying the request for disclosure.

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

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

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

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

646 (c) The commission shall make a final determination on the appeal within 30 days after
647 the day on which the appeal is received by the commission, unless the state or local

648 government entity and the office agree to a different deadline.

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

652 Section 15. Section **77-38-613** is enacted to read:

653 **77-38-613. Request for disclosure by law enforcement.**

654 (1) The commission shall establish a process to expedite a request submitted by a law
655 enforcement officer or agency for the disclosure of information regarding a program participant
656 who is involved in a criminal proceeding or investigation within 24 hours of the law
657 enforcement officer or agency submitting the request.

658 (2) If a law enforcement officer or agency seeks the disclosure of a program
659 participant's actual address from the commission under Subsection (1), the law enforcement
660 officer or agency shall certify to the commission, or the commission's designee, that the official
661 or agency has a system in place to protect the program participant's actual address from
662 disclosure to:

663 (a) the public; and

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

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

670 Section 16. Section **77-38-614** is enacted to read:

671 **77-38-614. Service of process at the assigned address.**

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

674 (2) In accordance with the Utah Rules of Civil Procedure, Rule 5, the last known

675 address for a program participant is the program participant's assigned address, not the program
676 participant's actual address.

677 Section 17. Section **77-38-615** is enacted to read:

678 **77-38-615. Participation in the program -- Orders in relation to allocation of**
679 **custody or parent-time.**

680 (1) A court may not consider a parent's participation in the program for the purpose of
681 making an order allocating custody under Section [30-3-10](#) or parent-time under Section
682 [30-3-32](#).

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

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

687 Section 18. Section **77-38-616** is enacted to read:

688 **77-38-616. Disclosure of address or identifiable information in a judicial or**
689 **administrative proceeding.**

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

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

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

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

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

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

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

702 (3) If disclosure of a program participant's actual address is required in a proceeding
703 before a court or administrative tribunal, the court or administrative tribunal may safeguard the
704 portion of a record that contains the program participant's actual address.

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

709 Section 19. Section **77-38-617** is enacted to read:

710 **77-38-617. Cancellation of enrollment -- Records.**

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

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

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

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

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

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

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

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

729 (4) If the commission cancels a program participant's enrollment in the program, the
730 program participant is not eligible to participate in the program for six months after the day on
731 which the commission cancels the program participant's enrollment in the program.

732 Section 20. Section **77-38-618** is enacted to read:

733 **77-38-618. Retention and destruction of records.**

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

737 Section 21. Section **77-38-619** is enacted to read:

738 **77-38-619. Immunity from suit.**

739 (1) A program assistant, or a program assistant's employer, is immune from liability in
740 a civil action or proceeding involving the performance or nonperformance of a duty under this
741 chapter, unless:

742 (a) the performance or nonperformance of a program assistant was manifestly outside
743 the scope of the program assistant's duties in the program; or

744 (b) the program assistant acted with malicious purpose, bad faith, or in a wanton or
745 reckless manner.

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

751 Section 22. Section **77-38-620** is enacted to read:

752 **77-38-620. Address Confidentiality Program Restricted Account -- Report.**

753 (1) There is created a restricted account in the General Fund known as the "Address
754 Confidentiality Program Restricted Account."

755 (2) The account shall be funded by:

756 (a) private contributions;
757 (b) gifts, donations, or grants from public or private entities; and
758 (c) interest and earnings on account money.
759 (3) Upon appropriation by the Legislature, the commission may expend funds from the
760 account to:

761 (a) designate, train, and manage program assistants;
762 (b) develop, distribute, and process application forms and related materials for the
763 program;
764 (c) assist applicants and program participants in enrolling in the program; or
765 (d) ensure program participants receive mail forwarded from the program to the
766 program participant's actual address.

767 (4) No later than December 31 of each year, the commission shall provide to the
768 Executive Offices and Criminal Justice Appropriations Subcommittee a written report of the
769 program's activities, including:

770 (a) the contributions received under Subsection (2);
771 (b) an accounting of the money expended or committed to be expended by the
772 commission under Subsection (3); and
773 (c) the balance of the account.

774 Section 23. Section **77-38-621** is enacted to read:

775 **77-38-621. Rulemaking.**

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

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

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

782 (3) establish the procedures for the retention and destruction of records and other

H.B. 117

Enrolled Copy

783 documents in accordance with Section [77-38-618](#).

784 Section 24. **Effective date.**

785 This bill takes effect on January 1, 2023.