

**Representative Stephanie Pitcher** proposes the following substitute bill:

**VICTIM ADDRESS CONFIDENTIALITY PROGRAM**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

Senate Sponsor: Todd D. Weiler

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**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, and orders relating to custody and parent-time;
- ▶ addresses immunity and the retention and destruction of records;



- 26 ▶ creates the Address Confidentiality Program Restricted Account;
- 27 ▶ provides rulemaking authority to the State Commission on Criminal and Juvenile
- 28 Justice; and
- 29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **20A-2-204**, as last amended by Laws of Utah 2020, Chapters 31, 95, 255 and last  
37 amended by Coordination Clause, Laws of Utah 2020, Chapter 95

38 **59-2-407**, as last amended by Laws of Utah 2018, Chapters 432 and 436

39 ENACTS:

40 **77-38-601**, Utah Code Annotated 1953

41 **77-38-602**, Utah Code Annotated 1953

42 **77-38-603**, Utah Code Annotated 1953

43 **77-38-604**, Utah Code Annotated 1953

44 **77-38-605**, Utah Code Annotated 1953

45 **77-38-606**, Utah Code Annotated 1953

46 **77-38-607**, Utah Code Annotated 1953

47 **77-38-608**, Utah Code Annotated 1953

48 **77-38-609**, Utah Code Annotated 1953

49 **77-38-610**, Utah Code Annotated 1953

50 **77-38-611**, Utah Code Annotated 1953

51 **77-38-612**, Utah Code Annotated 1953

52 **77-38-613**, Utah Code Annotated 1953

53 **77-38-614**, Utah Code Annotated 1953

54 **77-38-615**, Utah Code Annotated 1953

55 **77-38-616**, Utah Code Annotated 1953

56 **77-38-617**, Utah Code Annotated 1953

- 57 [77-38-618](#), Utah Code Annotated 1953
- 58 [77-38-619](#), Utah Code Annotated 1953
- 59 [77-38-620](#), Utah Code Annotated 1953
- 60 [77-38-621](#), Utah Code Annotated 1953



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

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

64 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

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

76 (3) The Driver License Division shall:

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

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

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

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

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

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

- 88 (iv) the desired political affiliation, if indicated;
- 89 (v) an indication of whether the individual requested that the individual's voter  
90 registration record be classified as a private record under Subsection 20A-2-108(2)(b); and
- 91 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any  
92 verification submitted with the form.
- 93 (4) Upon receipt of an individual's voter registration form from the Driver License  
94 Division under Subsection (3), the lieutenant governor shall:
  - 95 (a) enter the information into the statewide voter registration database; and
  - 96 (b) if the individual requests on the individual's voter registration form that the  
97 individual's voter registration record be classified as a private record or the individual submits a  
98 withholding request form described in Subsections 20A-2-104(7) and (8) and any required  
99 verification, classify the individual's voter registration record as a private record.
- 100 (5) The county clerk of an individual whose information is entered into the statewide  
101 voter registration database under Subsection (4) shall:
  - 102 (a) ensure that the individual meets the qualifications to be registered or preregistered  
103 to vote; and
  - 104 (b) (i) if the individual meets the qualifications to be registered to vote:
    - 105 (A) ensure that the individual is assigned to the proper voting precinct; and
    - 106 (B) send the individual the notice described in Section 20A-2-304; or
  - 107 (ii) if the individual meets the qualifications to be preregistered to vote, process the  
108 form in accordance with the requirements of Section 20A-2-101.1.
- 109 (6) (a) When the county clerk receives a correctly completed voter registration form  
110 under this section, the clerk shall:
  - 111 (i) comply with the applicable provisions of this Subsection (6); or
  - 112 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 113 (b) If the county clerk receives a correctly completed voter registration form under this  
114 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days  
115 before the date of an election, the county clerk shall:
  - 116 (i) accept the voter registration form; and
  - 117 (ii) unless the individual is preregistering to vote:
    - 118 (A) enter the individual's name on the list of registered voters for the voting precinct in

119 which the individual resides; and

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

122 (iii) if the individual named in the form is preregistering to vote, comply with Section  
123 [20A-2-101.1](#).

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

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

128 (ii) process the voter registration form; and

129 (iii) unless the individual is preregistering to vote, and except as provided in  
130 Subsection [20A-2-207\(6\)](#), inform the individual that the individual will not be registered to  
131 vote in the pending election, unless the individual registers to vote by provisional ballot during  
132 the early voting period, if applicable, or on election day, in accordance with Section  
133 [20A-2-207](#).

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

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

144 Section 2. Section **59-2-407** is amended to read:

145 **59-2-407. Administration of uniform fees.**

146 (1) (a) Except as provided in Subsection [59-2-405\(4\)](#) or [59-2-405.3\(4\)](#), the uniform fee  
147 authorized in Sections [59-2-405](#), [59-2-405.3](#), and [72-10-110.5](#) shall be assessed at the same  
148 time and in the same manner as ad valorem personal property taxes under Chapter 2, Part 13,  
149 Collection of Taxes, except that in listing personal property subject to the uniform fee with real

150 property as permitted by Section 59-2-1302, the assessor or, if this duty has been reassigned in  
151 an ordinance under Section 17-16-5.5, the treasurer shall list only the amount of the uniform  
152 fee due, and not the taxable value of the property subject to the uniform fee.

153 (b) Except as provided in Subsections 59-2-405.1(4), 59-2-405.2(5), and  
154 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  
155 be assessed at the time of:

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

157 (ii) renewal of registration.

158 (2) The remedies for nonpayment of the uniform fees authorized by Sections 59-2-405,  
159 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  
160 Chapter 2, Part 13, Collection of Taxes, for nonpayment of ad valorem personal property taxes.

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

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

164 **Part 6. Address Confidentiality Program**

165 **77-38-601. Definitions.**

166 As used in this part:

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

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

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

170 (2) "Actual address" means the residential street address of the program participant that  
171 is stated in a program participant's application for enrollment or on a notice of a change of  
172 address under Section 77-38-610.

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

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

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

181 (6) "Commission" means the State Commission on Criminal and Juvenile Justice  
182 created in Section 63M-7-201.

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

184 (8) "Human trafficking" means a human trafficking offense under Section 76-5-308.

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

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

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

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

192 (ii) a pharmaceutical or medical item.

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

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

197 (13) "Program" means the Address Confidentiality Program created in Section  
198 77-38-602.

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

201 (15) "Program participant" means an individual who is enrolled under Section  
202 77-38-606 by the commission to participate in the program.

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

204 (17) "Sexual offense" means:

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

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

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

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

212 including:

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

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

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

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

220 **77-38-602. Creation -- Office responsibilities.**

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

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

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

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

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

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

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

232 **77-38-603. Eligibility.**

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

235 (a) is a resident of this state;

236 (b) (i) is a victim;

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

238 (A) is a victim; and

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

240 (iii) resides at the same address where a victim resides; or

241 (iv) fears for the applicant's physical safety, or for the physical safety of a minor or  
242 incapacitated individual residing at the same address as the applicant, from a threat of abuse,



243 domestic violence, human trafficking, stalking, or sexual assault;

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

246 (ii) resides at a residential address known by the assailant and intends to relocate within  
247 90 days to a different residential address in the state that is not known by the assailant; or

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

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

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

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

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

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

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

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

258 (4) To participate in the program:

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

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

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

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

265 **77-38-604. Designation of program assistants.**

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

267 (a) (i) is an employee of the commission or a state or local government entity; or

268 (ii) is a volunteer for an organization that provides counseling, assistance, or support  
269 services at no charge to victims; and

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

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

272 (2) A program assistant shall:

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

274 (b) sign, date, and verify an application for the program.  
275 (3) A signature of a program assistant is a recommendation by the program assistant  
276 that the applicant is eligible to participate in the program under Section [77-38-603](#).

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

278 **77-38-605. Administration -- Application.**

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

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

283 (3) The application shall include:

284 (a) the applicant's name;

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

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

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

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

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

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

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

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

299 (vi) register to vote in person at the office of the clerk in the county where the  
300 applicant's actual address is located; and

301 (vii) certify that the commission is the applicant's designated agent for service of  
302 process for personal service;

303 (e) evidence that the applicant, or a minor or an incapacitated individual residing with  
304 the applicant, is a victim, including:

305 (i) a law enforcement, court, or other state, local, or federal government agency record;  
306 or  
307 (ii) a document from:  
308 (A) a domestic violence program, facility, or shelter;  
309 (B) a sexual assault program; or  
310 (C) a religious, medical, or other professional from whom the applicant, or the minor  
311 or the incapacitated individual residing with the applicant, sought assistance in dealing with  
312 alleged abuse, domestic violence, stalking, or a sexual offense;  
313 (f) a statement from the applicant that a disclosure of the applicant's actual address  
314 would endanger the applicant, or a minor or an incapacitated individual residing with the  
315 applicant;  
316 (g) a statement by the applicant that the applicant:  
317 (i) resides at a residential address that is not known by the assailant;  
318 (ii) has relocated to a different residential address in the past 90 days that is not known  
319 by the assailant; or  
320 (iii) will relocate to a different residential address in the state within 90 days that is not  
321 known by the assailant;  
322 (h) the actual address that:  
323 (i) the applicant requests that the commission not disclose; and  
324 (ii) is at risk of discovery by the assailant or potential assailant;  
325 (i) a statement by the applicant disclosing:  
326 (i) the existence of a court order or action involving the applicant, or a minor or an  
327 incapacitated individual residing with the applicant, related to a divorce proceeding, a child  
328 support order or judgment, or the allocation of custody or parent-time; and  
329 (ii) the court that issued the order or has jurisdiction over the action;  
330 (j) the name of any other individual who resides with the applicant who needs to be a  
331 program participant to ensure the safety of the applicant, or a minor or an incapacitated  
332 individual residing with the applicant;  
333 (k) a statement by the applicant that:  
334 (i) the applicant, or a minor or an incapacitated individual residing at the same address  
335 as the applicant, will benefit from participation in the program;

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

338 (iii) the applicant does not have a current obligation to register as a sex offender or a  
339 kidnap offender under Title 77, Chapter 41, Sex and Kidnap Offender Registry; and

340 (iv) the applicant does not have a current obligation to register as a child abuse  
341 offender under Title 77, Chapter 43, Child Abuse Offender Registry;

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

344 (m) a statement that:

345 (i) if the applicant intends to use the assigned address for any correspondence with the  
346 State Tax Commission, the applicant must provide the State Tax Commission with the  
347 applicant's social security number, federal employee identification number, and any other  
348 identification number related to a tax, fee, charge, or license administered by the State Tax  
349 Commission; and

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

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

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

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

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

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

360 **77-38-606. Enrollment of a program participant.**

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

363 (i) an assigned address;

364 (ii) an authorization card; and

365 (iii) a notification form.

366 (b) An authorization card is valid while the program participant is enrolled in the

367 program.

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

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

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

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

377 (c) The renewal application shall contain:

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

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

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

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

386 **77-38-607. Use of assigned address -- Release of information.**

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

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

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

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

394 **77-38-608. Use of assigned address -- Confidentiality.**

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

397 (2) (a) A state or local government entity may not refuse to use a program participant's

398 assigned address for any official business, unless:

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

401 (ii) the state or local government entity is permitted or required to use the program  
402 participant's actual address under this part.

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

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

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

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

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

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

417 (a) for voter registration; and

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

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

422 (a) shall classify the program participant's actual address as withheld under Subsection  
423 [20A-2-104\(7\)](#); and

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

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

426 **77-38-609. Disclosure of actual address prohibited.**

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

428 (i) required by a court order; or

429 (ii) the commission grants a request from a state or local government entity under  
430 Section 77-38-612.

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

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

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

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

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

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

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

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

452 **77-38-610. Change of name, address, or telephone number.**

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

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

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

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

464 **77-38-611. Address use by state or local government entities.**

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

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

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

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

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

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

481 (ii) classify the program participant's actual address as withheld; and

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

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

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

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

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



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

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

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

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

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

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

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

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

511 (i) the full name of the program participant;

512 (ii) the assigned address of the program participant;

513 (iii) the motor vehicle or hull identification number for each motor vehicle or  
514 watercraft that is owned or leased by the program participant;

515 (iv) the license plate or registration number for each motor vehicle or watercraft that is  
516 owned or leased by the program participant; and

517 (v) the physical address where each motor vehicle or watercraft that is owned or leased  
518 by the program participant.

519 (d) Notwithstanding any other provision of this part, the Motor Vehicle Division may  
520 disclose to another state or local government entity all information that is necessary for the  
521 state or local government entity to distribute any taxes or fees collected for titling or registering

522 a motor vehicle or a watercraft.

523 (e) Notwithstanding Section 41-1a-116 or any other provision of this part, the Motor  
524 Vehicle Division may not disclose the actual address of a program participant described in  
525 Subsection 78-38-605(3)(m)(ii) to:

526 (i) the Utah Criminal Justice Information System; or

527 (ii) the title, lien, and registration system that is provided to the Motor Vehicle  
528 Division by a third party contractor and is accessed in accordance with Subsection  
529 41-1a-116(4).

530 (8) (a) The Department of Corrections, or any other entity responsible for supervising a  
531 program participant who is on probation or parole as a result of a criminal conviction or an  
532 adjudication, may not use the program participant's assigned address if the program  
533 participant's actual address is necessary for supervising the program participant.

534 (b) All written communication delivered through the United States mail to the program  
535 participant by the Department of Corrections, or the other entity described in Subsection (8)(a),  
536 shall be addressed to the program participant's assigned address.

537 (9) If a program participant is required by law to swear or affirm to the program  
538 participant's address, the program participant may use the program participant's assigned  
539 address.

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

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

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

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

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

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

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

552 (ii) if a program participant voluntarily requests, in writing, that the program

553 participant's actual address be disclosed to the third party.

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

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

561 **77-38-612. Request for disclosure.**

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

564 (a) in writing;

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

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

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

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

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

576 (c) of facts showing that:

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

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

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

580 and

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

583 (3) In response to a request for disclosure under Subsection (2), the commission may

584 request additional information from the state or local government entity to help identify the  
585 program participant in the records of the office or to assess whether disclosure to the state or  
586 local government entity is permitted under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

651 **77-38-613. Request for disclosure by law enforcement.**

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

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

661 (a) the public; and

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

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

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

669 **77-38-614. Service of process at the assigned address.**

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

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

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

676 **77-38-615. Participation in the program -- Orders in relation to allocation of**

677 **custody or parent-time.**

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

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

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

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

686 **77-38-616. Disclosure of address or identifiable information in a judicial or**  
687 **administrative proceeding.**

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

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

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

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

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

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

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

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

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

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

708 77-38-617. Cancellation of enrollment -- Records.

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

710 (a) the program participant submits to the commission a written request to withdraw  
711 from enrollment in accordance with Section 77-38-606;

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

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

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

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

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

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

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

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

731 77-38-618. Retention and destruction of records.

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

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

736 77-38-619. Immunity from suit.

737 (1) A program assistant, or a program assistant's employer, is immune from liability in  
738 a civil action or proceeding involving the performance or nonperformance of a duty under the



739 this chapter, unless:

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

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

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

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

750 **77-38-620. Address Confidentiality Program Restricted Account -- Report.**

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

753 (2) The account shall be funded by:

754 (a) private contributions;

755 (b) gifts, donations, or grants from public or private entities; and

756 (c) interest and earnings on account money.

757 (3) Upon appropriation by the Legislature, the commission may expend funds from the  
758 account to:

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

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

762 (c) assist applicants and program participants in enrolling in the program; or

763 (d) ensure program participants receive mail forwarded from the program to the  
764 program participant's actual address.

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

768 (a) the contributions received under Subsection (2);

769 (b) an accounting of the money expended or committed to be expended by the

770 commission under Subsection (3); and

771 (c) the balance of the account.

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

773 **77-38-621. Rulemaking.**

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

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

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

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

782 Section 24. **Effective date.**

783 This bill takes effect on January 1, 2023.