

A-134

BILL AS INTRODUCED
2000

ORIGINAL

H.807
Page 1

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H.807

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Introduced by Representatives Fox of Essex, Little of Shelburne, Livingston of

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Manchester, Poirier of Barre City, Pugh of South Burlington

4

and Voyer of Morristown

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Referred to Committee on *Government Operations*

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Date:

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Subject: Executive branch; secretary of state; address confidentiality program

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Statement of purpose: This bill proposes to authorize and direct the secretary

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of state to create an address directory for victims of domestic violence, sexual

10

assault and stalking who desire an anonymous mail mechanism.

11

AN ACT RELATING TO ADDRESS CONFIDENTIALITY FOR

12

VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND

13

STALKING

14

It is hereby enacted by the General Assembly of the State of Vermont:

15

See P.1a
~~Sec. 1. LEGISLATIVE FINDINGS AND INTENT~~

16

~~(a) The general assembly finds that persons attempting to escape from~~

17

~~actual or threatened domestic violence frequently establish new addresses in~~

18

~~order to prevent their assailants or probable assailants from finding them.~~

19

~~(b) The general assembly intends to:~~

H. 807

Sec. 1. DESIGNATION

15 V.S.A. chapter 21, §§ 1101 through 1115 are designated as:

Subchapter 1. General Provisions

Sec. 2. 15 V.S.A. chapter 21, subchapter 3 is added to read:

Subchapter 3. Address Confidentiality for Victims of Domestic

Violence, Sexual Assault or Stalking

§ 1150. FINDINGS AND INTENT

(a) The general assembly finds that persons attempting to escape from actual or threatened domestic violence, sexual assault and stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them.

(b) It is the purpose of this subchapter to:

(1) enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault or stalking;

(2) promote interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault and stalking; and

(3) enable state agencies and local agencies to accept a program participant's use of an address, and local agencies to accept an address, designated by the secretary of state as a substitute mailing address.

§ 1151. DEFINITIONS

Unless the context clearly requires otherwise, the definitions in this section apply throughout the subchapter.

(1) "Address" means a residential street address, school address, post office box address or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

(2) "Domestic violence" means an act of abuse as defined in subdivision 1101(1) of this title and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(3) "Program participant" means a person certified as a program participant under this chapter.

(4) "Sexual assault" means an act of assault as defined in subsection 3252(a) or (b) of Title 13 (sexual assault) or in subsection 3253(a) of Title 13 (aggravated sexual assault), and includes a threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

(5) "Stalking" means conduct as defined in section 1061(stalking) or in section 1063 of Title 13 (aggravated stalking), and includes a threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

§ 1152. ADDRESS CONFIDENTIALITY PROGRAM; APPLICATION;

CERTIFICATION

(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply to the secretary of state to have an address designated by the secretary serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state, and if it contains:

(1) a sworn statement by the applicant that the applicant has good reason to believe:

(A) the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic or sexual violence-related or stalking-related behavior; and

(B) the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;

(2) a designation of the secretary as agent for purposes of service of process and for the purpose of receipt of mail;

(3) the mailing address where the applicant can be contacted by the secretary and the phone number or numbers where the applicant can be called by the secretary;

(4) the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault or stalking;

(5) the signature of the applicant and of any individual or representative of any office who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Applications shall be filed with the office of the secretary.

(c) Upon receipt of a properly completed application, the secretary shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing, unless the certification is withdrawn or invalidated before that date. The secretary shall by rule establish a renewal procedure.

(d) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety, or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, shall be punishable in accordance with the criminal penalties for perjury as described in section 2901 of Title 13.

(e) A program participant shall notify the secretary of state of a change of address within seven days of the change of address.

§ 1153. CERTIFICATION CANCELLATION

(a) The secretary of state may cancel a program participant's certification if, after the passage of 14 days:

(1) from the date of changing his or her name, the program participant does not notify the secretary that he or she has obtained a name change; however, the program participant may reapply under his or her new name;

(2) from the date of changing his or her address, the program participant fails to notify the secretary of the change of address; or

(3) from the date the secretary first receives mail, forwarded to the program participant's address, returned as nondeliverable.

(b) The secretary shall cancel certification of a program participant who applies using false information.

(c) The secretary shall send notice of termination to the program participant. Notice of termination shall set out the reasons for termination. The program participant shall have 30 days to appeal the termination decision under procedures developed by the secretary.

(d) Program participants may withdraw from the program by giving the secretary written notice of their intention. The secretary shall establish, by rule, a secure procedure for ensuring that the request for withdrawal is legitimate.

§ 1154. AGENCY USE OF DESIGNATED ADDRESS

(a) A program participant shall request that state and local agencies use the address designated by the secretary of state as the participant's address. When creating a new public record, state and local agencies shall accept the address designated by the secretary as a program participant's substitute address, unless the secretary has determined that:

(1) the agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this subchapter;

(2) the address will be used only for those statutory and administrative purposes;

(3) the agency has identified the specific program participant's record for which the waiver is requested;

(4) the agency has identified the individuals who will have access to the record; and

(5) the agency has explained how its acceptance of the substitute address will prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or administrative obligation by a change in its internal procedures.

(b) During the review, evaluation, and appeal of an agency's request, the agency shall accept the use of a program participant's substitute address.

(c) The secretary's determination to grant or withhold a requested waiver must be based on, but not limited to, an evaluation of the information under subsection (a) of this section.

(d) If the secretary finds that the agency has a bona fide statutory and administrative need for the actual address and that the information will only be used for that purpose, the secretary may

issue the actual address to the agency. Prior to granting the waiver, the secretary shall notify the program participant of the waiver, including the name of the agency and the reasons for the waiver. When granting a waiver, the secretary shall notify and require the agency to maintain the confidentiality of the program participant's address and designate a date after which the agency no longer maintains the record of the address.

(e) Denial of the agency waiver request must be made in writing and include a statement of the reasons for denial.

(f) Acceptance or denial of the agency's waiver request constitutes final agency action. An aggrieved party may appeal. The secretary shall adopt rules establishing an appeal process.

(g) A program participant may use the address designated by the secretary as his or her work address.

(h) The office of the secretary shall forward all first class mail to the appropriate program participants.

(i) The secretary shall keep a record of all waivers and all documentation relating to requests for waivers.

(j) Any agency receiving a waiver may not make the program participant's address available for inspection or copying, except under the following circumstances:

(1) if requested by a law enforcement agency for purposes of assisting in the execution of an arrest warrant; or

(2) if directed by a court order to a person identified in the order.

§ 1155. DISCLOSURE OF ADDRESS PROHIBITED; EXCEPTIONS

(a) The secretary of state may not make a program participant's address, other than the address designated by the secretary, available for inspection or copying, except under the following circumstances:

(1) if requested by a law enforcement agency for purposes of assisting in the execution of an arrest warrant;

(2) if directed by a court order to a person identified in the order;

(3) to verify the participation of a specific program participant, in which case the secretary may only confirm information supplied by the requester; or

(4) if certification has been canceled.

(b) The secretary shall provide immediate notification of disclosure to a program participant when disclosure takes place under subdivisions (a)(2) and (3) of this section.

§ 1156. NONDISCLOSURE OF ADDRESS IN CRIMINAL AND CIVIL PROCEEDINGS

No member of the department of state's attorneys, victim's advocate, law enforcement agency, local social service agency or witness shall be compelled to disclose the program participant's actual residential address or place of employment during the discovery phase of, or during testimony in any criminal or civil proceeding unless the court finds, based on a preponderance of the evidence, that nondisclosure will prejudice the defendant.

§ 1157. ASSISTANCE FOR PROGRAM APPLICANTS

The secretary of state shall make available a list of state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence, sexual assault and stalking to assist persons applying to be program participants. Such information provided by the office of the secretary or designees to applicants shall in no way be construed as legal advice.

§ 1158. VOTING BY PROGRAM PARTICIPANT

A program participant who is otherwise qualified to vote may register to vote and apply for an absentee ballot pursuant to rules adopted by the secretary of state under section 1160 of this title. Such rules shall enable a town clerk to substitute, on all voting records of the town, the designation "blind ballot" wherever the name or address of the voter might otherwise appear. The program participant shall receive absentee ballots for all elections in the jurisdictions for which that individual resides in the same manner as absentee voters who qualify under section 2531 of Title 17. The town clerk shall transmit the absentee ballot to the program participant at the address designated by the participant in his or her application. Neither the name nor the address of a program participant shall be included in any list of registered voters available to the public.

§ 1159. CUSTODY AND VISITATION ORDERS

Nothing in this chapter, nor participation in this program, affects custody or visitation orders in effect prior to or during program participation.

§ 1160. ADOPTION OF RULES

The secretary of state shall adopt rules necessary to perform his or her duties under this subchapter relating to: program application and certification; certification cancellation; agency use of designated addresses and exceptions; voting by program participants; and recording of vital statistics for program participants. All such rules shall conform with the findings and intent of the general assembly, as described in section 1150 of this title, and shall be designed with an understanding of the needs and circumstances of victims of domestic violence, sexual assault and stalking.

Sec. 3. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

* * *

(29) the address of a certified participant in the address confidentiality program described in chapter 21, subchapter 3 of Title 15, except as provided in that subchapter, during the period of certification.

Sec. 4. 18 V.S.A. § 5083 is added to read:

§ 5083. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

(a) If a participant in the program described in chapter 21, subchapter 3 of Title 15 who is the parent of a child born during the period of program participation notifies the physician or midwife who delivers the child, or the hospital at which the child is delivered, not later than 24 hours after the birth of the child, that the participant's confidential address should not appear on the child's birth certificate, then the department shall not disclose such confidential address or the participant's town of residence on any public records. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. If such notice is received, then notwithstanding section 5071 of this title, the attendant physician or midwife shall file the certificate with the supervisor of vital records registration within ten days of the birth, without the confidential address or town of residence, and shall not file the certificate with the town clerk.

(b) The supervisor of vital records registration shall receive and file for record all certificates filed in accordance with this section, and shall ensure that a parent's confidential address and town of residence do not appear on the birth certificate during the period that the parent is a program participant. A certificate filed in accordance with this section shall be a public document. The supervisor of vital records shall notify the secretary of state of the receipt of a birth certificate on behalf of a program participant.

(c) The department shall maintain a confidential record of the parent's actual mailing address and town of residence. Such record shall be exempt from public inspection.

(d) Upon the renewal, expiration, withdrawal, invalidation or cancellation of program participation of any parent of whom the secretary of state received notice from the supervisor of vital records registration, the secretary of state shall notify the supervisor of vital records registration.

(e) Notwithstanding section 5075 of this title, upon notice of the expiration, withdrawal, invalidation or cancellation of program participation, the supervisor of vital records registration shall enter the actual mailing address and town of residence on the original birth certificate and shall transmit the completed original birth certificate to the town clerk where the birth occurred.

(f) The town clerk shall process certificates received in this manner in accordance with the provisions of this chapter.

~~Sec. 5. 18 V.S.A. § 5131 is amended to read:~~

~~§ 5131. ISSUANCE OF MARRIAGE LICENSE; SOLEMNIZATION; RETURN OF MARRIAGE CERTIFICATE~~

~~* * *~~

~~(d) If a participant in the program described in chapter 21, subchapter 3 of Title 15 notifies the appropriate town clerk or registrar of vital statistics as required under rules adopted by the secretary of state, the town clerk or registrar of vital statistics shall not make available for inspection or copying the name and address of a program participant contained in marriage applications and records, except under the following circumstances:~~

~~(1) if requested by a law enforcement officer for purposes of assisting in the execution of an arrest warrant; and~~

~~(2) if directed by a court order, to a person identified in the order.~~

See P. 9a for Sec. 5

Sec. 6. 17 V.S.A. § 2122 is amended to read:

§ 2122. RESIDENCE; SPECIAL CASES; CHECKLIST

(a) A person shall not gain or lose a residence solely by reason of presence or absence while in the service of the state or of the United States; nor while engaged in the navigation of the waters of the state or of the United States or on the high seas; nor while in a hospital, nursing home, or other health care facility; nor while confined in a prison or correctional institution; nor while a member of a veterans' home; nor while a student at any educational institution; nor while living outside the United States; nor while certified as a participant in the address confidentiality program under chapter 21, subchapter 3 of Title 15. Members of the Vermont veterans' home in the town of Bennington may vote in the town of Bennington in all elections but this right shall not affect their residence for any other purpose.

* * *

Sec. 7. 17 V.S.A. § 2126 is amended to read:

§ 2126. VILLAGE CHECKLIST

A village clerk shall automatically include on the village checklist the names of all persons living within the village who are on the checklist of the town in which the village is located, except as provided in section 2122 of this title. No separate application or other action on the part of the voter shall be required.

See P. 9b for Sec. 8

~~Sec. 8. APPROPRIATION~~

~~There is appropriated from the general fund in fiscal year 2001 to the Secretary of State the amount of \$17,000.00 to carry out the purposes of this act.~~

Sec. 9. EFFECTIVE DATE

This act shall take effect on January 1, 2001.

Sec. 5. 18 V.S.A. § 5132 is added to read:

§ 5132. MARRIAGE LICENSE; PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

(a) If a participant in the program described in chapter 21, subchapter 3 of Title 15 notifies the town that the participant's confidential address should not appear on the marriage license or certificate, then the town clerk shall not disclose such confidential address or the participant's town of residence on any public records. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. If such notice is received, then notwithstanding section 5131 of this title, the town clerk shall file the marriage certificate with the supervisor of vital records registration within ten days of receipt, without the confidential address or town of residence, and shall not retain a copy of the marriage certificate.

(b) The supervisor of vital records registration shall receive and file for record all certificates filed in accordance with this section, and shall ensure that a person's confidential address and town of residence do not appear on the marriage certificate during the period that the person is a program participant. A certificate filed in accordance with this section shall be a public document. The supervisor of vital records shall notify the secretary of state of the receipt of a marriage certificate on behalf of a program participant.

(c) The department shall maintain a confidential record of the person's actual mailing address and town of residence. Such record shall be exempt from public inspection.

(d) Upon the renewal, expiration, withdrawal, invalidation or cancellation of program participation of any person of whom the secretary of state received notice from the supervisor of vital records registration, the secretary of state shall notify the supervisor of vital records registration.

(e) Upon notice of the expiration, withdrawal, invalidation or cancellation of program participation, the supervisor of vital records registration shall enter the

actual mailing address and town of residence on the original marriage certificate and shall transmit the completed original marriage certificate to the town clerk where the certificate was issued.

(f) The town clerk shall process certificates received in this manner in accordance with the provisions of this chapter.

Sec. 8. APPROPRIATION

(a) There is appropriated from the general fund in fiscal year 2001 to the Secretary of State the amount of \$17,000.00 to carry out the purposes of this act.

(b) The establishment of one (1) limited service position – Program Coordinator – in the office of the Secretary of State is authorized in fiscal year 2001.

Michael J. Dubowchick

SPEAKER OF THE HOUSE OF REPRESENTATIVES

Douglas A. T. Reine
PRESIDENT OF THE SENATE

ATTESTED TO:

Donald G. Milne
Donald G. Milne
Clerk, House of Representatives

W. Jean 5/12/00
GOVERNOR Date

1 ~~(1) Enable state and local agencies to respond to requests for public~~
2 ~~records without disclosing the location of a victim of domestic violence, sexual~~
3 ~~assault or stalking.~~

4 ~~(2) Promote interagency cooperation with the secretary of state in~~
5 ~~providing address confidentiality for victims of domestic violence, sexual~~
6 ~~assault and stalking.~~

7 ~~(3) Enable state and local agencies to accept a program participant's use~~
8 ~~of an address and local agencies to accept an address designated by the~~
9 ~~secretary of state as a substitute mailing address.~~

10 Sec. 2. DESIGNATION

11 15 V.S.A. chapter 21, §§ 1101 through 1115 are designated as:

12 Subchapter 1. General Provisions

13 Sec. 3. 15 V.S.A. chapter 21, subchapter 3 is added to read:

14 Subchapter 3. Address Confidentiality for Victims of Domestic
15 Violence, Sexual Assault or Stalking

16 § 1151. DEFINITIONS

17 Unless the context clearly requires otherwise, the definitions in this section
18 apply throughout the chapter.

19 (1) "Address" means a residential street address, school address, or
20 work address of an individual, as specified on the individual's application to be
21 a program participant under this chapter.

1 ~~(2) "Domestic violence" means an act of abuse as defined in subdivision~~
2 1101(1) of this title and includes a threat of such acts committed against an
3 individual in a domestic situation, regardless of whether these acts or threats
4 have been reported to law enforcement officers.

5 (3) "Program participant" means a person certified as a program
6 participant under this chapter.

7 (4) "Sexual assault" means an act of assault as defined in subsection
8 3252(a) or (b) of Title 13 (sexual assault) or in subsection 3253(a) of Title 13
9 (aggravated sexual assault), and includes a threat of such acts, regardless of
10 whether these acts or threats have been reported to law enforcement officers.

11 (5) "Stalking" means conduct as defined in section 1061(stalking) or in
12 section 1063 of Title 13 (aggravated stalking), and includes a threat of such
13 acts, regardless of whether these acts or threats have been reported to law
14 enforcement officers.

15 § 1152. ADDRESS CONFIDENTIALITY PROGRAM; APPLICATION;

16 CERTIFICATION

17 (a) An adult person, a parent or guardian acting on behalf of a minor, or a
18 guardian acting on behalf of an incapacitated person, may apply to the
19 secretary of state to have an address designated by the secretary serve as the
20 person's address or the address of the minor or incapacitated person. The

1 secretary of state shall approve an application if it is filed in the manner and on
2 the form prescribed by the secretary of state, and if it contains:

3 (1) a sworn statement by the applicant that the applicant has good reason
4 to believe:

5 (A) the applicant, or the minor or incapacitated person on whose
6 behalf the application is made, is a victim of domestic or sexual violence-
7 related or stalking-related behavior; and

8 (B) the applicant fears for his or her safety or his or her children's
9 safety, or the safety of the minor or incapacitated person on whose behalf the
10 application is made;

11 (2) a designation of the secretary as agent for purposes of service of
12 process and for the purpose of receipt of mail;

13 (3) the mailing address where the applicant can be contacted by the
14 secretary and the phone number or numbers where the applicant can be called
15 by the secretary;

16 (4) the new address or addresses that the applicant requests not be
17 disclosed for the reason that disclosure will increase the risk of domestic
18 violence;

19 (5) the signature of the applicant and of any individual or representative
20 of any office who assisted in the preparation of the application, and the date on
21 which the applicant signed the application.

- 1 ~~(b) Applications shall be filed with the office of the secretary.~~
- 2 ~~(c) Upon filing a properly completed application, the secretary shall certify~~
- 3 ~~the applicant as a program participant. Applicants shall be certified for four~~
- 4 ~~years following the date of filing, unless the certification is withdrawn or~~
- 5 ~~invalidated before that date. The secretary shall by rule establish a renewal~~
- 6 ~~procedure.~~
- 7 ~~(d) A person who falsely attests in an application that disclosure of the~~
- 8 ~~applicant's address would endanger the applicant's safety, or the safety of the~~
- 9 ~~applicant's children or the minor or incapacitated person on whose behalf the~~
- 10 ~~application is made, or who knowingly provides false or incorrect information~~
- 11 ~~upon making an application, shall be punishable in accordance with the~~
- 12 ~~criminal penalties for false swearing as described in section 2901 of Title 13.~~
- 13 § 1153. CERTIFICATION CANCELLATION
- 14 ~~(a) If the program participant obtains a name change, he or she loses~~
- 15 ~~certification as a program participant. The program participant may reapply~~
- 16 ~~under his or her new name.~~
- 17 ~~(b) The secretary of state may cancel a program participant's certification if~~
- 18 ~~there is a change in the residential address from the one listed on the~~
- 19 ~~application, unless the program participant provides the secretary with notice~~
- 20 ~~of the change of address within seven days of the change of address.~~

1 ~~(c) The secretary may cancel certification of a program participant if mail~~
2 forwarded by the secretary to the program participant's address is returned as
3 nondeliverable.

4 (d) The secretary shall cancel certification of a program participant who
5 applies using false information.

6 (e) The secretary shall send notice of termination to the program
7 participant. Notice of termination shall set out the reasons for termination.
8 The program participant shall have 15 days to appeal the termination decision
9 under procedures developed by the secretary.

10 (f) Program participants may withdraw from the program by giving the
11 secretary written notice of their intention. The secretary shall establish, by
12 rule, a secure procedure for ensuring that the request for withdrawal is
13 legitimate.

14 § 1154. AGENCY USE OF DESIGNATED ADDRESS

15 (a) A program participant may request that state and local agencies use the
16 address designated by the secretary of state as the participant's address. When
17 creating a new public record, state and local agencies shall accept the address
18 designated by the secretary as a program participant's substitute address, unless
19 the secretary has determined that:

1 ~~(1) the agency has a bona fide statutory or administrative requirement~~
2 ~~for the use of the address which would otherwise be confidential under this~~
3 ~~subchapter;~~

4 ~~(2) the address will be used only for those statutory and administrative~~
5 ~~purposes;~~

6 ~~(3) the agency has identified the specific program participant's record~~
7 ~~for which the waiver is requested;~~

8 ~~(4) the agency has identified the individuals who will have access to the~~
9 ~~record; and~~

10 ~~(5) the agency has explained how its acceptance of the substitute address~~
11 ~~will prevent the agency from meeting its obligations under the law and why it~~
12 ~~cannot meet its statutory or administrative obligation by a change in its internal~~
13 ~~procedures.~~

14 ~~(b) During the review, evaluation, and appeal of an agency's request, the~~
15 ~~agency shall accept the use of a program participant's substitute address.~~

16 ~~(c) The secretary's determination to grant or withhold a requested waiver~~
17 ~~must be based on, but not limited to, an evaluation of the information under~~
18 ~~subsection (a) of this section.~~

19 ~~(d) If the secretary finds that the agency has a bona fide statutory and~~
20 ~~administrative need for the actual address and that the information will only be~~
21 ~~used for that purpose, the secretary may issue the actual address to the agency.~~

1 Prior to granting the waiver, the secretary shall notify the program participant
2 of the waiver, including the name of the agency and the reasons for the waiver.

3 When granting a waiver, the secretary shall notify and require the agency to
4 maintain the confidentiality of the program participant's address and designate
5 a date after which the agency no longer maintains the record of the address.

6 (e) Denial of the agency waiver request must be made in writing and
7 include a statement of the reasons for denial.

8 (f) Acceptance or denial of the agency's waiver request constitutes final
9 agency action. An aggrieved party may appeal. The secretary shall adopt
10 regulations establishing an appeal process.

11 (g) A program participant may use the address designated by the secretary
12 as his or her work address.

13 (h) The office of the secretary shall forward all first class mail to the
14 appropriate program participants.

15 (i) The secretary shall keep a record of all waivers and all documentation
16 relating to requests for waivers.

17 (j) Any agency receiving a waiver may not make the program participant's
18 address available for inspection or copying, except under the following
19 circumstances:

20 (1) if requested by a law enforcement agency for purposes of assisting in
21 the execution of an arrest warrant; or

1 ~~(2) if directed by a court order to a person identified in the order.~~

2 § 1155. DISCLOSURE OF ADDRESS PROHIBITED; EXCEPTIONS

3 (a) The secretary of state may not make a program participant's address,
4 other than the address designated by the secretary, available for inspection or
5 copying, except under the following circumstances:

6 (1) if requested by a law enforcement agency for purposes of assisting in
7 the execution of an arrest warrant;

8 (2) if directed by a court order to a person identified in the order; or

9 (3) if certification has been canceled.

10 (b) The secretary shall provide immediate notification of disclosure to a
11 program participant when disclosure takes place under subdivisions (a)(2) and
12 (3) of this section.

13 § 1156. NONDISCLOSURE OF ADDRESS IN CRIMINAL AND CIVIL
14 DISCOVERY PROCEEDINGS

15 No member of the department of state's attorneys, victim's advocate, law
16 enforcement agency, local social service agency or witness shall be compelled
17 to disclose the program participant's actual residential address or place of
18 employment during the discovery phase of any criminal or civil proceeding.

19 § 1157. ASSISTANCE FOR PROGRAM APPLICANTS

20 The secretary of state shall designate state and local agencies and nonprofit
21 agencies that provide counseling and shelter services to victims of domestic

1 ~~violence, sexual assault and stalking to assist persons applying to be program~~
2 participants. Any assistance and counseling rendered by the office of the
3 secretary or designees to applicants shall in no way be construed as legal
4 advice.

5 § 1158. VOTING BY PROGRAM PARTICIPANT

6 (a) A program participant who is otherwise qualified to vote may apply for
7 an absentee ballot under this subchapter. The program participant shall
8 automatically receive absentee ballots for all elections in the jurisdictions for
9 which that individual resides in the same manner as absentee voters who
10 qualify under section 2531 of Title 17, except that the program participant shall
11 not be required to reapply. The town clerk shall transmit the absentee ballot to
12 the program participant at the address designated by the participant in his or
13 her application. Neither the name nor the address of a program participant
14 shall be included in any list of registered voters available to the public.

15 (b) The town clerk may not make the participant's address contained in
16 voter registration records available for public inspection or copying, except
17 under the following circumstances:

18 (1) if requested by a law enforcement agency for purposes of assisting in
19 the execution of an arrest warrant; and

20 (2) if directed by a court order, to a person identified in the order.

1 § 1159. CUSTODY AND VISITATION ORDERS

2 Nothing in this chapter, nor participation in this program, affects custody or
3 visitation orders in effect prior to or during program participation.

4 § 1160. ADOPTION OF RULES

5 The secretary of state may adopt rules to facilitate the administration of this
6 chapter.

7 Sec. 4. 1 V.S.A. § 317(c) is amended to read:

8 (c) The following public records are exempt from public inspection and
9 copying:

10 * * *

11 (29) the address of a certified participant in the address confidentiality
12 program described in chapter 21, subchapter 3 of Title 15, except as provided
13 in that subchapter, during the period of certification.

14 Sec. 5. 18 V.S.A. § 5083 is added to read:

15 § 5083. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

16 (a) If a participant in the program described in chapter 21, subchapter 3 of
17 Title 15 who is the parent of a child born during the period of program
18 participation notifies the physician or midwife who delivers the child, or the
19 hospital at which the child is delivered, not later than 24 hours after the birth of
20 the child, that the participant's confidential address should not appear on the
21 child's birth certificate, then the department shall not disclose such confidential

1 (2) if directed by a court order, to a person identified in the order.

2 Sec. 7. 17 V.S.A. § 2122 is amended to read:

3 § 2122. RESIDENCE; SPECIAL CASES; CHECKLIST

4 (a) A person shall not gain or lose a residence solely by reason of presence
5 or absence while in the service of the state or of the United States; nor while
6 engaged in the navigation of the waters of the state or of the United States or
7 on the high seas; nor while in a hospital, nursing home, or other health care
8 facility; nor while confined in a prison or correctional institution; nor while a
9 member of a veterans' home; nor while a student at any educational institution;
10 nor while living outside the United States; nor while certified as a participant
11 in the address confidentiality program under chapter 21, subchapter 3 of Title
12 15. Members of the Vermont veterans' home in the town of Bennington may
13 vote in the town of Bennington in all elections but this right shall not affect
14 their residence for any other purpose.

15 (b) A person may have his or her name on the checklist only in the town of
16 which the person is a resident, however, the town clerk shall keep a separate
17 and confidential checklist of names of participants in the address
18 confidentiality program described in chapter 21, subchapter 3 of Title 15. For
19 the purpose of this chapter, "resident" shall mean a person who is domiciled in
20 the town as evidenced by an intent to maintain a principal dwelling place in the
21 town indefinitely and to return there if temporarily absent, coupled with an act

1 or acts consistent with that intent. If a person removes to another town with
2 the intention of remaining there indefinitely, that person shall be considered to
3 have lost residence in the town in which the person originally resided even
4 though the person intends to return at some future time. However, a person
5 shall retain the ability to vote in a town of former residence for a period of 17
6 days after becoming a resident of a new town. A person may have only one
7 residence at a given time.

8 Sec. 8. 17 V.S.A. § 2126 is amended to read:

9 § 2126. VILLAGE CHECKLIST

10 A village clerk shall automatically include on the village checklist the
11 names of all persons living within the village who are on the checklist of the
12 town in which the village is located, except as provided in section 2122 of this
13 title. No separate application or other action on the part of the voter shall be
14 required.

15 Sec. 9. EFFECTIVE DATE

16 This act shall take effect on January 1, 2001.

GOVT. OPERATIONS
ORIGINAL
H.807

AN ACT RELATING TO ADDRESS
CONFIDENTIALITY FOR
VICTIMS OF DOMESTIC
VIOLENCE, SEXUAL ASSAULT
AND STALKING.

HOUSE OF REPRESENTATIVES

February /, 2000

Introduced by Representatives Fox of
Essex, Little of Shelburne, Livingston of
Manchester, Poirier of Barre City, Pugh of
South Burlington and Voyer of
Morristown.

Read the first time and referred to
Committee on Gov. Ops.

Clerk

Donald C. Miller

3/22/00 Proofread HRS. MSB

House of Representatives,

02/22, 2000
ENTERED ON THE CALENDAR FOR NOTICE.

James Palmer
FIRST ASST. CLERK

HOUSE OF REPRESENTATIVES

2/22, 2000
THE BILL APPEARING ON THE
CALENDAR FOR NOTICE, CARRYING
AN APPROPRIATION, UNDER THE RULE
WAS REF'D TO THE C. ON APPROP.

MSB
ASST. CLERK

HOUSE OF REPRESENTATIVES

03/14, 2000
ENTERED ON THE CALENDAR
FOR NOTICE.
ASST. CLERK

HOUSE OF REPRESENTATIVES

03/20, 2000
REP. FAV. W/REC. OF
AMENDED. BY C. ON Govt Ops
REP. FAV. W/REC. OF
AMEND BY C. ON Approp.
RD 2ND T., REC. OF
AMEND OF C. ON Govt Ops
AMENDED AS REC. BY
COMM. ON Approp.
REC. OF AMEND OF COMM.
ON Govt Ops, AS AMENDED,
AGRD TO & 3RD RDG ORDERED.

James Palmer
ASST. CLERK

HOUSE OF REPRESENTATIVES

03/21/00
READ THIRD TIME AND PASSED

ASST. CLERK

SENATE CHAMBER

3/23/00
READ AND REFERRED TO

Senate
Govt Operations
COMMITTEE

ASSTANT - SECRETARY

SENATE CHAMBER

4/10/00
ENTERED ON CALENDAR FOR NOTICE

SENATE CHAMBER

4/10/00
The Bill being on the calendar for
the and carrying an appropriation, or
for the Rule, was referred to the Com-
mittee on Appropriations.

SENATE CHAMBER

4/20/00
ENTERED ON CALENDAR FOR NOTICE

SENATE CHAMBER

4/25/00
Reported favorably with
Recommendation(s) of Amendment, read
the second time, and thereupon the
Recommendation(s) Proposal(s) of
Amendment was/were agreed to and
Third Reading ordered.

ASSTANT - SECRETARY

SENATE CHAMBER

4/26/2000
READ THIRD TIME AND PASSED IN
CONCURRENCE WITH PROPOSAL OF
AMENDMENT.

ASSTANT - SECRETARY

SENATE CHAMBER

4/26/2000
UPON MOTION OF SEN. Shumlin
OF Windham
THE RULES WERE SUSPENDED AND
THE BILL WAS ORDERED MESSAGE
TO THE HOUSE FORTHWITH.

ASSTANT - SECRETARY

HOUSE OF REPRESENTATIVES

4/26, 2000
ENTERED ON THE CALENDAR
FOR NOTICE.

ASST. CLERK

HOUSE OF REPRESENTATIVES

4/28, 2000

SENATE PROPOSAL OF AMENDMENT
CONSIDERED AND CONCURRED IN

ASST. CLERK

4/28/2000

UPON MOTION OF
REP. Chen OF Dorset
THE RULES WERE SUSP. & THE ACTION
OF HOUSE ON THE BILL WAS ORDERED
MESSAGED TO SEN. FORTHWITH & THE
BILL DELVD. TO GOV. FORTHWITH.

ASST. CLERK