

State Government Article

§7-301.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Actual address” means a residential street address, school address, or work address of an individual as specified on the individual’s application to be a Program participant under this subtitle.
- (c) “Disabled person” has the meaning stated in § 13-101 of the Estates and Trusts Article.
- (d) “Domestic violence” has the same meaning as “abuse” under § 4-501(b) of the Family Law Article.
- (e) “Harassment” means a violation of § 3-803 of the Criminal Law Article.
- (f) “Program” means the Address Confidentiality Program.
- (g) “Program participant” means an individual designated as a Program participant under this subtitle.
- (h) “Sexual assault” means a sexual crime under § 3-303 through § 3-310, § 3-314, § 3-315, or § 3-322 through § 3-325 of the Criminal Law Article, the sexual abuse of a minor under § 3-602 of the Criminal Law Article, or the sexual abuse of a vulnerable adult under § 3-604 of the Criminal Law Article.
- (i) “Stalking” has the meaning stated in § 3-802 of the Criminal Law Article.
- (j) “Survivor of human trafficking” means an individual who has been recruited, harbored, transported, provided, or obtained for labor, services, or a sexual act through the use of force, fraud, or coercion.

§7-302.

The purpose of this subtitle is to enable:

- (1) State and local agencies to respond to requests for public records without disclosing the location of a Program participant;
- (2) interagency cooperation in providing address confidentiality for Program participants;
- (3) State and local agencies and private entities to accept a Program participant’s use of an address designated by the Office of the Secretary of State as a substitute address; and
- (4) a Program participant to use an address designated by the Office of the Secretary of State as a substitute address.

§7–303.

The Secretary of State shall establish and administer an Address Confidentiality Program for survivors of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking.

§7–304.

(a) The following individuals may apply to participate in the Program:

- (1) an individual acting on the individual's own behalf;
- (2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian;
- (3) a guardian acting on behalf of a disabled person; or
- (4) an individual who resides in the same household as an eligible applicant or Program participant.

(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:

- (1) a statement that:
 - (i) the applicant is a survivor of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking; and
 - (ii) the applicant fears for the applicant's safety, or the safety of the applicant's child;
- (2) evidence that the applicant is eligible for Program participation, including:
 - (i) certified law enforcement, court, or other federal or State agency records or files;
 - (ii) documentation from a domestic violence, sexual assault, or human trafficking prevention or assistance program;
 - (iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a survivor of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking; or
 - (iv) a statement from the applicant about the applicant's subjective fear;
- (3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;
- (4) a knowing and voluntary designation of the Secretary of State as agent for purposes

of service of process and receipt of first-class, certified, or registered mail;

(5) the mailing address and telephone number at which the applicant may be contacted by the Secretary of State;

(6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of domestic violence, sexual assault, stalking, harassment, human trafficking, or other crimes;

(7) a statement as to whether there is any existing court order or pending court action involving the applicant and related to divorce proceedings, child support, child custody, or child visitation, and the identity of the court that issued the order or has jurisdiction over the action, if any;

(8) a sworn statement by the applicant that, to the best of the applicant's knowledge, all the information contained in the application is true;

(9) the signature of the applicant and the date on which the applicant signed the application; and

(10) a voluntary release and waiver of all future claims against the State that may arise from participation in the Program except for a claim based on gross negligence.

(c) (1) (i) On the filing of a properly completed application and release, the Secretary of State shall:

1. review the application and release; and

2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.

(ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4-year period.

(2) A Program participant may withdraw from participation by filing a signed request for withdrawal with the Secretary of State.

§7-305.

(a) If an applicant falsely attests in an application that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child or knowingly provides false information when applying for participation or renewal of participation in the Program, the applicant shall no longer be allowed to participate in the Program.

(b) A person may not knowingly make a false attestation or knowingly provide false information in an application in violation of subsection (a) of this section.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

§7-306.

(a) If a Program participant obtains a legal name change, the Program participant shall notify the Secretary of State within 30 days and provide the Secretary of State with a certified copy of any judgment or order evidencing the change or any other documentation the Secretary of State considers to be sufficient evidence of the change.

(b) If a Program participant makes a change in address or telephone number from an address or a telephone number listed on the Program participant's application, the Program participant shall notify the Secretary of State at least 7 days before the change occurs.

§7-307.

(a) The Secretary of State may cancel the participation of a Program participant if:

(1) the Program participant fails to notify the Secretary of State of any legal name change or change in address or telephone number in the manner required by § 7-306 of this subtitle;

(2) the Program participant files a request for withdrawal of participation under § 7-304(c)(2) of this subtitle;

(3) the Program participant submits false information in applying for participation in the Program in violation of § 7-305 of this subtitle;

(4) the Secretary of State forwards mail to the Program participant and the mail is returned as undeliverable; or

(5) the Secretary of State determines that the Program participant's actual address is readily accessible to the general public.

(b) The Secretary of State shall send notice of any cancellation of participation in the Program to the participant and shall set forth the reason for cancellation.

(c) A Program participant may appeal any cancellation decision by filing an appeal with the Secretary of State within 30 days after the date of the notice of cancellation in accordance with procedures developed by the Secretary of State.

(d) (1) An individual who ceases to be a Program participant is responsible for notifying any person who uses the substitute address designated by the Secretary of State that the substitute address is no longer valid.

(2) If an individual has requested the shielding of property records in accordance with Title 3, Subtitle 1, Part II of the Real Property Article, the Secretary of State shall give written

notice to the clerk of the circuit court within 30 days after the individual ceases to be a Program participant.

§7–308.

(a) (1) A Program participant may make a request to any person or State or local agency to use a substitute address designated by the Secretary of State as the Program participant's address.

(2) Subject to subsections (b) and (d) of this section, when a Program participant has made a request to a person or State or local agency under this subsection, the person or agency shall use the substitute address designated by the Secretary of State as the Program participant's address.

(b) (1) (i) When a Program participant presents the address designated by the Secretary of State to any person, that address must be accepted as the address of the Program participant.

(ii) A person may not require a Program participant to submit any address that could be used to physically locate the Program participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the Program participant's physical location.

(2) A bank, a credit union, any other depository institution, or any other financial institution within the meaning of § 1–101 of the Financial Institutions Article may require a request made under subsection (a) of this section to be in writing and on a form prescribed by the Secretary of State identifying an individual as a Program participant.

(c) A Program participant who acquires an ownership interest in real property while participating in the Program may request the shielding of real property records concerning the property in accordance with Title 3, Subtitle 1, Part II of the Real Property Article.

(d) (1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.

(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

§7–309.

(a) (1) Each local board of elections shall use a Program participant's actual address for all election-related purposes.

(2) A Program participant may not use the substitute address designated by the Secretary of State as the Program participant's address for voter registration purposes.

(b) A local board of elections may not make a Program participant's address contained in voter registration records available for public inspection or copying except:

- (1) on request by a law enforcement agency for law enforcement purposes; and
- (2) as directed by a court order to disclose the address.

§7-310.

(a) Except as otherwise provided by this subtitle, a record of a Program participant's actual address and telephone number maintained by the Secretary of State or a State or local agency is not a public record within the meaning of § 4-101 of the General Provisions Article.

(b) The Secretary of State may not disclose a Program participant's actual address or telephone number or substitute address except as provided in subsection (c) of this section and:

- (1) (i) on request by a law enforcement agency for law enforcement purposes; and
- (ii) as directed by a court order; or

(2) on request by a State or local agency to verify a Program participant's participation in the Program or substitute address for use under § 7-308 of this subtitle.

(c) The Secretary of State shall notify the appropriate court of a Program participant's participation in the Program and of the substitute address designated by the Secretary of State if the Program participant:

- (1) is subject to a court order or an administrative order;
- (2) is involved in a court action or an administrative action; or
- (3) is a witness or a party in a civil or criminal proceeding.

§7-311.

(a) (1) A person may not knowingly and intentionally obtain a Program participant's actual address or telephone number from the Secretary of State, the clerk of a circuit court, or any agency without authorization to obtain the information.

(2) A person may not knowingly and intentionally seek and obtain a Program participant's actual address or telephone number from any other person if, at the time of obtaining the information, the person has specific knowledge that the actual address or telephone number belongs to a Program participant.

(b) (1) This subsection applies only when a person:

(i) obtains a Program participant's actual address or telephone number during the course of the person's employment; and

(ii) at the time of disclosure, has specific knowledge that the actual address or telephone number belongs to a Program participant.

(2) A person may not knowingly and intentionally disclose a Program participant's actual address or telephone number to another person unless the disclosure is authorized by law, including as authorized by subsection (c) of this section.

(c) (1) If an individual who is a Program participant notifies a person in writing on a form prescribed by the Secretary of State that states the requirements of the Program and that the individual is a Program participant, the person may not knowingly disclose the Program participant's name, home address, work address, or school address unless:

(i) the person to whom the address is disclosed also lives, works, or goes to school at the disclosed address; or

(ii) the Program participant has provided written consent to the disclosure of the Program participant's name, home address, work address, or school address for the purpose for which the disclosure will be made.

(2) The person to whom written consent is provided under paragraph (1)(ii) of this subsection:

(i) may require the consent to be in a particular form acceptable to the person and the Program participant; and

(ii) shall limit any disclosure to only those disclosures that are necessary for the purpose for which the consent is provided.

(3) A person that receives notice as provided under paragraph (1) of this subsection is presumed to have specific knowledge that the disclosed home address, work address, or school address belongs to the Program participant.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500.

§7-312.

(a) (1) In this section, "notice" means, for a person described in § 7-308(b)(2) of this subtitle, receipt of written notification on a form prescribed by the Secretary of State identifying an individual as a Program participant.

(2) "Notice" includes receipt of written notification on a form prescribed by the Secretary of State identifying an individual as a Program participant.

(b) Notwithstanding any other provision of law, service of process on an individual by a person or an agency that has received notice that the individual is a Program participant shall

be made in accordance with this section.

(c) Service of process shall be made:

(1) in person on the Program participant; or

(2) by mail on the Secretary of State.

(d) If service by publication is required, service is valid if:

(1) the publication omits the name of the Program participant; and

(2) the Secretary of State has been served in accordance with subsection (c)(2) of this section.

§7-313.

The Secretary of State shall adopt regulations to carry out the provisions of this subtitle.