

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 372 & 366
94TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 5, 2007, with recommendation that the Senate Committee Substitute do pass.

0880S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 589, RSMo, by adding thereto nine new sections relating to address confidentiality for victims of certain crimes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 589, RSMo, is amended by adding thereto nine new sections, to be known as sections 589.660, 589.663, 589.666, 589.669, 589.672, 589.675, 589.678, 589.681, and 589.683, to read as follows:

589.660. As used in sections 589.660 to 589.681, the following terms mean:

(1) "Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;

(2) "Application assistant", an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, or stalking, who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;

(3) "Designated address", the address assigned to a program participant by the secretary;

(4) "Mailing address", an address that is recognized for delivery by the United States Postal Service;

(5) "Program", the address confidentiality program established in section 589.663;

(6) "Program participant", a person certified by the secretary of

20 state as eligible to participate in the address confidentiality program;

21 (7) "Secretary", the secretary of state.

589.663. There is created in the office of the secretary of state a
2 program to be known as the "Address Confidentiality Program" to
3 protect victims of domestic violence, rape, sexual assault, or stalking
4 by authorizing the use of designated addresses for such victims and
5 their minor children. The program shall be administered by the
6 secretary under the following application and certification procedures:

7 (1) An adult person, a parent or guardian acting on behalf of a
8 minor, or a guardian acting on behalf of an incapacitated person may
9 apply to the secretary to have a designated address assigned by the
10 secretary to serve as the person's address or the address of the minor
11 or incapacitated person;

12 (2) The secretary may approve an application only if it is filed
13 with the office of the secretary in the manner established by rule and
14 on a form prescribed by the secretary. A completed application shall
15 contain:

16 (a) The application preparation date, the applicant's signature,
17 and the signature and registration number of the application assistant
18 who assisted the applicant in applying to be a program participant;

19 (b) A designation of the secretary as agent for purposes of
20 service of process and for receipt of first-class mail, legal documents,
21 and certified mail;

22 (c) A sworn statement by the applicant that the applicant has
23 good reason to believe that he or she:

24 a. Is a victim of domestic violence, rape, sexual assault, or
25 stalking; and

26 b. Fears further violent acts from his or her assailant;

27 (d) The mailing address where the applicant may be contacted
28 by the secretary or a designee and the telephone number or numbers
29 where the applicant may be called by the secretary or the secretary's
30 designee; and

31 (e) One or more addresses that the applicant requests not be
32 disclosed for the reason that disclosure will jeopardize the applicant's
33 safety or increase the risk of violence to the applicant or members of
34 the applicant's household;

35 (3) Upon receipt of a properly completed application, the

36 secretary may certify the applicant as a program participant. A
37 program participant is certified for four years following the date of
38 initial certification unless the certification is withdrawn or cancelled
39 before that date. The secretary shall send notification of lapsing
40 certification and a reapplication form to a program participant at least
41 four weeks prior to the expiration of the program participant's
42 certification;

43 (4) The secretary shall forward first-class mail, legal documents,
44 and certified mail to the appropriate program participants.

589.666. Certification of a program participant may be cancelled
2 by the secretary if one or more of the following conditions apply:

3 (1) If the program participant obtains a name change, unless the
4 program participant provides the secretary with documentation of a
5 legal name change within ten business days of the name change;

6 (2) If there is a change in the mailing address from the person
7 listed on the application, unless the program participant provides the
8 secretary with notice of the change in such manner as the secretary
9 provides by rule; or

10 (3) The applicant or program participant violates subsection 2
11 of section 589.663.

589.669. Upon demonstration of a program participant's
2 certification in the program, state and local agencies and the courts
3 shall accept the designated address as a program participant's address
4 when creating a new public record unless the secretary has determined
5 that:

6 (1) The agency has a bona fide statutory or administrative
7 requirement for the use of the program participant's address or mailing
8 address, such that it is unable to fulfill its statutory duties and
9 obligations without the address; and

10 (2) The program participant's address or mailing address shall
11 be used only for those statutory and administrative purposes.

589.672. If the secretary deems it appropriate, the secretary may
2 make a program participant's address or mailing address available for
3 inspection or copying, under the following circumstances:

4 (1) If requested of the secretary by a law enforcement agency in
5 the manner provided for by rule; or

6 (2) Upon request to the secretary by a director of a state agency

7 or the director's designee in the manner provided for by rule and upon
8 a showing of a bona fide statutory or administrative requirement for
9 the use of the program participant's address or mailing address, such
10 that the director or the director's designee is unable to fulfill statutory
11 duties and obligations without the address or mailing address.

589.675. If the secretary deems it appropriate, the secretary shall
2 make a program participant's address and mailing address available for
3 inspection or copying under the following circumstances:

4 (1) To a person identified in a court order, upon the secretary's
5 receipt of such court order that specifically orders the disclosure of a
6 particular program participant's address and mailing address and the
7 reasons stated for the disclosure; or

8 (2) If the certification has been cancelled because the applicant
9 or program participant violated subsection 2 of section 589.663.

589.678. A program participant's application and supporting
2 materials are not a public record and shall be kept confidential by the
3 secretary.

589.681. The secretary shall promulgate rules to establish and
2 administer the address confidentiality program. Any rule or portion of
3 a rule, as that term is defined in section 536.010, RSMo, that is created
4 under the authority delegated in sections 589.660 to 589.681 shall
5 become effective only if it complies with and is subject to all of the
6 provisions of chapter 536, RSMo, and, if applicable, section 536.028,
7 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
8 of the powers vested with the general assembly pursuant to chapter
9 536, RSMo, to review, to delay the effective date, or to disapprove and
10 annul a rule are subsequently held unconstitutional, then the grant of
11 rulemaking authority and any rule proposed or adopted after August
12 28, 2007, shall be invalid and void.

589.683. Pursuant to section 23.253, RSMo, of the Missouri Sunset
2 Act:

3 (1) Any new program authorized under sections 589.660 to
4 589.681 shall automatically sunset six years after the effective date of
5 sections 589.660 to 589.681 unless reauthorized by an act of the general
6 assembly; and

7 (2) If such program is reauthorized, the program authorized
8 under sections 589.660 to 589.681 shall automatically sunset twelve

9 years after the effective date of the reauthorization of sections 589.660
10 to 589.681; and

11 (3) Sections 589.660 to 589.681 shall terminate on September
12 first of the calendar year immediately following the calendar year in
13 which a program authorized under sections 589.660 to 589.681 is sunset.

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