

FEB 24 2000

JUDICIARY

HOUSE FILE  
BY DAVIS

2412

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to an address confidentiality program for victims  
2 of domestic abuse.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2412

1 Section 1. Section 22.7, Code Supplement 1999, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 39. Records received and maintained by  
4 the secretary of state for the address confidentiality program  
5 established under section 236.10A.

6 Sec. 2. Section 236.3, subsections 1 and 2, Code 1999, are  
7 amended to read as follows:

8 1. Name of the plaintiff and the name and address of the  
9 plaintiff's attorney, if any. If the plaintiff is proceeding  
10 pro se, the petition shall state a mailing address for the  
11 plaintiff. The mailing address may be a designated address  
12 provided by the secretary of state pursuant to section  
13 236.10A.

14 2. Name and address of the parent or guardian filing the  
15 petition, if the petition is being filed on behalf of an  
16 unemancipated minor. For the purposes of this chapter,  
17 "plaintiff" includes a person filing an action on behalf of an  
18 unemancipated minor. The address may be a designated address  
19 provided by the secretary of state pursuant to section  
20 236.10A.

21 Sec. 3. NEW SECTION. 236.10A ADDRESS CONFIDENTIALITY  
22 PROGRAM.

23 1. A person, including a parent or guardian on behalf of  
24 an unemancipated minor, may apply to the secretary of state to  
25 have an address designated by the secretary of state serve as  
26 the address of the person or minor.

27 2. The application for a designated address under this  
28 section shall include all of the following:

29 a. A sworn statement by the applicant that the person who  
30 is applying for the designated address is a victim of domestic  
31 abuse, and that the safety of the person or the person's  
32 children is or will be endangered if the address or phone  
33 number of the person becomes known. For purposes of this  
34 section, "domestic abuse" means any act included in section  
35 236.2, subsection 2, including threats of such acts, whether

1 or not such acts or threats have been reported to a law  
2 enforcement officer or whether or not such person has filed  
3 court documents seeking protection from domestic abuse.

4 b. The mailing address and phone numbers where the  
5 applicant can be contacted by the secretary of state.

6 c. A designation of the secretary of state as agent for  
7 purposes of service of process and receipt of mail.

8 d. The signature of the applicant.

9 3. A person who makes a false statement in connection with  
10 an application under this section shall be subject to the  
11 penalty for perjury.

12 4. a. The secretary of state shall certify program  
13 participants for four years from the date of filing, unless  
14 certification is withdrawn or invalidated before that date.  
15 The secretary of state may grant renewals.

16 b. The secretary of state shall issue an identification  
17 card with the person's name and designated address, for use in  
18 accordance with this section.

19 c. The secretary of state shall cancel the certification  
20 of a program participant under any of the following  
21 circumstances:

22 (1) The program participant obtains a name or address  
23 change without notice to the secretary of state within thirty  
24 days of such change.

25 (2) If the secretary of state's office is unable to  
26 forward, or the program participant does not regularly claim  
27 the mail received by the secretary of state's office on behalf  
28 of the program participant, as provided by rule.

29 (3) If the application was filed using false information.

30 5. A program participant may use the designated address  
31 for filings under this chapter, for employment purposes, for  
32 applications for services from state and local agencies or  
33 departments, for voting, and for obtaining utility services.  
34 The courts, agencies, departments, and businesses shall accept  
35 the designated address upon proof of the person's

1 participation in the program. An identification card issued  
2 by the secretary of state shall serve as proof of  
3 participation.

4 6. The secretary of state shall not make any records in  
5 any program participant's file available for public inspection  
6 or copying, except by court order.

7 7. The district court and law enforcement agencies shall  
8 also notify potential applicants of the existence of the  
9 program in the following instances:

10 a. When a person files a petition seeking relief from  
11 domestic abuse under this chapter.

12 b. When a peace officer has reason to believe that  
13 domestic abuse has occurred, in accordance with the  
14 notification provisions of section 236.12.

15 8. The secretary of state shall adopt rules to implement  
16 this program, including a method of conveying materials  
17 received at the designated address to the program participant  
18 so that the confidentiality of the program participant's  
19 location is maintained, and providing materials to shelters  
20 and other agencies and support groups regarding the  
21 availability of the program.

22 Sec. 4. Section 236.12, subsection 1, paragraph c,  
23 unnumbered paragraph 8, Code 1999, is amended to read as  
24 follows:

25 The notice shall also contain the telephone numbers of safe  
26 shelters, support groups, or crisis lines operating in the  
27 area, and shall contain a brief description of the address  
28 confidentiality program and information related to applying  
29 for the program through the secretary of state's office.

30 EXPLANATION

31 This bill creates new Code section 236.10A, which  
32 establishes an address confidentiality program for victims of  
33 domestic abuse. The new section addresses who may apply for  
34 the program, the application process, use of the designated  
35 address by program participants, and when participation in the

1 program may be canceled. The bill provides penalties for  
2 providing false information in the application process, and  
3 provides that the secretary of state shall adopt rules to  
4 implement the program.

5 The bill also provides that the program records are  
6 confidential and not available for public inspection or  
7 copying, and makes a related amendment to Code section 22.7  
8 regarding confidential public records.

9 The bill also requires courts and law enforcement to  
10 provide notice of the program in certain instances, and makes  
11 a related amendment to Code section 236.12 regarding notice  
12 provided to victims of domestic abuse.

13 The bill specifies in Code section 236.3 that the  
14 designated address assigned by the secretary of state through  
15 the program can be used in filings of petitions for relief  
16 from domestic abuse under Code chapter 236.

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