

House File 233 - Introduced

HOUSE FILE 233

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A BILL FOR

1 An Act establishing an address confidentiality program in the
2 office of the secretary of state for a victim of domestic
3 abuse, domestic abuse assault, sexual abuse, and stalking
4 and providing for a fee.

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

1 Section 1. NEW SECTION. 9E.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Address*" means a residential street address, school
5 address, or work address of an individual, as specified on the
6 individual's application to be a program participant under this
7 chapter.

8 2. "*Applicant*" means an adult, a parent or guardian acting
9 on behalf of an eligible minor, or a guardian acting on behalf
10 of an incapacitated person as defined in section 633.701.

11 3. "*Designated address*" means the mailing address assigned
12 to a program participant by the secretary.

13 4. "*Domestic abuse*" means the same as defined in section
14 236.2.

15 5. "*Domestic abuse assault*" means the same as defined in
16 section 708.2A.

17 6. a. "*Eligible person*" means a person who is all of the
18 following:

19 (1) A resident of this state.

20 (2) An adult, a minor, or an incapacitated person as defined
21 in section 633.701.

22 (3) A victim of domestic abuse, domestic abuse assault,
23 sexual abuse, or stalking as evidenced by the filing of a
24 petition pursuant to section 236.3 or a criminal complaint or
25 information pursuant to section 708.2A, 708.11, 709.2, 709.3,
26 or 709.4.

27 b. For purposes of this subsection, a person determined to
28 be a sexually violent predator pursuant to section 229A.7 or a
29 similar law of another state is not an eligible person.

30 7. "*Mail*" means first-class letters and flats delivered
31 via the United States postal service, including priority,
32 express, and certified mail, and excluding packages,
33 parcels, periodicals, and catalogues, unless they are clearly
34 identifiable as pharmaceuticals or clearly indicate that they
35 are sent by a state or county government agency.

1 8. "Program" means the address confidentiality program
2 established in this chapter.

3 9. "Program participant" means an individual certified by
4 the secretary as a program participant under section 9E.2.

5 10. "Secretary" means the secretary of state.

6 11. "Sexual abuse" means the same as defined in section
7 709.1.

8 12. "Stalking" means the same as defined in section 708.11.

9 Sec. 2. NEW SECTION. **9E.2 Address confidentiality program.**

10 1. *Application.* The secretary shall certify an eligible
11 person as a program participant if the secretary receives an
12 application containing all of the following information:

13 a. The full legal name of the eligible person.

14 b. A statement by the applicant that the applicant has good
15 reason to believe any of the following:

16 (1) Either of the following:

17 (a) The eligible person listed on the application is a
18 victim of domestic abuse, domestic abuse assault, sexual abuse,
19 or stalking.

20 (b) The eligible person fears for the person's safety, the
21 safety of another person who resides in the same household as
22 the eligible person, or the safety of persons on whose behalf
23 the application is made.

24 (2) The eligible person is not applying for certification as
25 a program participant in order to avoid prosecution.

26 c. A designation of the secretary as the agent for service
27 of process and for the purpose of receipt of mail.

28 d. The telephone number or telephone numbers where the
29 secretary can contact the applicant or eligible person.

30 e. The residential address of the eligible person,
31 disclosure of which could lead to an increased risk of domestic
32 abuse, domestic abuse assault, sexual abuse, or stalking.

33 f. If mail cannot be delivered to the residential address
34 of the eligible person, the address to which mail can be sent
35 to the eligible person.

1 *g.* A statement whether the eligible person would like
2 information on becoming an absentee ballot recipient pursuant
3 to section 9E.5.

4 *h.* A statement from the eligible person that gives
5 the secretary consent to confirm the eligible person's
6 participation in the program to a third party.

7 *i.* The signature of the applicant indicating the applicant's
8 authority to act on behalf of the eligible person, if
9 appropriate.

10 *j.* The date the application was signed.

11 *k.* Any other information as required by the secretary
12 pursuant to rule.

13 2. *Filing.* Applications shall be filed with the secretary.

14 3. *Certification.* Upon filing a complete application,
15 the secretary shall certify the eligible person as a program
16 participant. A program participant shall be certified for four
17 years following the date the application is certified by the
18 secretary unless the certification is canceled, withdrawn, or
19 invalidated. The secretary shall establish by rule a renewal
20 procedure for recertification.

21 4. *Changes in information.* A program participant or an
22 applicant shall inform the secretary of any changes in the
23 program participant's information submitted on the application.

24 5. *Designated address.* The secretary shall assign a
25 designated address to which all mail for a program participant
26 shall be sent.

27 6. *Attaining age of majority.* An individual who was a minor
28 when the person was certified as a program participant is
29 responsible for changes in information and renewal after the
30 individual reaches the age of eighteen.

31 7. *Liability.* The secretary or the secretary's designee
32 shall not be liable for acts or omissions relating to the
33 administration of the program.

34 Sec. 3. NEW SECTION. 9E.3 **Certification cancellation.**

35 1. The secretary may cancel a program participant's

1 certification under any of the following circumstances:

2 *a.* The program participant's legal name or contact
3 information changes, unless the program participant provides
4 the secretary with prior written notice of the name change or
5 contact information.

6 *b.* Mail forwarded by the secretary to the program
7 participant's address is returned as undeliverable by the
8 United States postal service.

9 *c.* The program participant is no longer eligible for the
10 program.

11 2. The secretary shall cancel a program participant's
12 certification if the program participant's application contains
13 false information.

14 Sec. 4. NEW SECTION. **9E.4 Use of designated address.**

15 1. When a program participant presents the program
16 participant's designated address to any person, that designated
17 address shall be accepted as the address of the program
18 participant. The person shall not require the program
19 participant to submit any other address that could be used
20 to physically locate the program participant either as a
21 substitute address or in addition to the designated address,
22 or as a condition of receiving a service or benefit, unless
23 the service or benefit would be impossible to provide without
24 knowledge of the program participant's physical location.

25 2. A program participant may use the designated address as
26 the program participant's work address.

27 3. The secretary shall forward all mail sent to the
28 designated address to the program participant.

29 4. If a program participant has notified a person in
30 writing, on a form prescribed by the secretary, that the
31 individual is a program participant and of the requirements
32 of this section, the person shall not knowingly disclose the
33 program participant's address, unless any of the following:

34 *a.* The person to whom the address is disclosed also lives,
35 works, or goes to school at the address disclosed.

1 *b.* The program participant has provided written consent to
2 disclosure of the program participant's name and address for
3 the purpose for which the disclosure will be made.

4 Sec. 5. NEW SECTION. 9E.5 Voting by program participant —
5 absentee ballot.

6 1. A program participant who is an eligible elector may
7 register to vote with the state commissioner of elections,
8 pursuant to section 48A.8, subsection 1. The name, address,
9 and telephone number of a program participant shall not be
10 listed in the statewide voter registration system.

11 2. *a.* A program participant who is otherwise eligible
12 to vote may annually register with the state commissioner
13 of elections as an absentee voter. As soon as practicable
14 before each election, the state commissioner of elections shall
15 determine the precinct in which the residential address of the
16 program participant is located and shall request and receive
17 from the county commissioner of elections the ballot for that
18 precinct and shall forward the absentee ballot to the program
19 participant with the other materials for absentee balloting as
20 required of the county commissioner of elections by section
21 53.8.

22 *b.* The program participant shall complete the ballot and
23 return it to the state commissioner of elections, who shall
24 review the ballot in the manner provided by sections 53.18
25 and 53.19. If the materials comply with the requirements
26 of section 53.18, the materials shall be certified by the
27 state commissioner of elections as the ballot of a program
28 participant, and shall be forwarded to the appropriate county
29 commissioner of elections for tabulation by the special voters
30 precinct election board appointed pursuant to section 53.23.

31 *c.* The state commissioner of elections, to the extent
32 practicable, shall administer this section in accordance with
33 the provisions of chapters 48A and 53 applicable to county
34 commissioners of elections.

35 Sec. 6. NEW SECTION. 9E.6 Confidentiality of information.

1 1. *a.* Except as otherwise provided in subsection
2 2, information collected, created, or maintained by the
3 secretary related to applicants, eligible persons, and program
4 participants is confidential unless otherwise ordered by a
5 court or released by the lawful custodian of the records
6 pursuant to state or federal law.

7 *b.* A program participant's name and address maintained
8 by a local governmental body that is part of an ongoing
9 investigation or inspection of an alleged health code,
10 building code, fire code, or city ordinance violation
11 allegedly committed by the program participant is confidential
12 information.

13 2. Upon request from the department of public safety,
14 the secretary may share confidential information with the
15 department of public safety. Such confidential information
16 received by the department of public safety may be released
17 to a law enforcement agency upon verification that the
18 release will aid the law enforcement agency in responding to
19 an emergency situation, a criminal complaint, or an ongoing
20 investigation.

21 3. This section shall not be construed to prohibit the
22 dissemination of information relating to the program to any
23 agency or organization if necessary for carrying out the
24 official duties of the agency or organization, or to a person
25 if disseminated for an official purpose, or to any other person
26 if necessary to protect a person or property from a threat of
27 imminent serious harm.

28 4. If a program participant has notified the program
29 participant's landlord in writing that the individual is a
30 program participant pursuant to this chapter, a local ordinance
31 or the landlord shall not allow the display of the program
32 participant's name at an address otherwise protected under this
33 chapter.

34 Sec. 7. Section 48A.8, subsection 1, Code 2015, is amended
35 to read as follows:

1 1. An eligible elector may request that a voter registration
2 form be mailed to the elector. The completed form may be
3 mailed or delivered by the registrant or the registrant's
4 designee to the commissioner in the county where the person
5 resides or to the state commissioner of elections for a
6 program participant, as provided in section 9E.5. A separate
7 voter registration form shall be signed by each individual
8 registrant.

9 Sec. 8. Section 53.2, Code 2015, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 9. A registered voter who is a program
12 participant under section 9E.5 may register to vote as an
13 absentee voter with the state commissioner of elections
14 pursuant to section 9E.5, subsection 2.

15 Sec. 9. Section 602.8102, subsection 135A, Code 2015, is
16 amended to read as follows:

17 135A. Assess the surcharges provided by sections 911.1,
18 911.2, 911.2A, 911.2B, 911.3, and 911.4.

19 Sec. 10. Section 602.8108, Code 2015, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 6A. The clerk of the district court
22 shall remit all moneys collected from the assessment of
23 the surcharge provided in section 911.2B to the state court
24 administrator for transfer to the office of secretary of state
25 to defray the administrative costs associated with the address
26 confidentiality program established in chapter 9E.

27 Sec. 11. NEW SECTION. **911.2B Domestic abuse assault,**
28 **stalking, and sexual abuse victim surcharge.**

29 1. In addition to any other surcharge, the court or clerk of
30 the district court shall assess a domestic abuse assault victim
31 surcharge of one hundred dollars if an adjudication of guilt or
32 a deferred judgment has been entered for a violation of section
33 708.2A, 708.11, or 709.1.

34 2. In the event of multiple offenses, the surcharge shall be
35 imposed for each applicable offense.

1 3. The surcharge shall be remitted by the clerk of court as
2 provided in section 602.8108, subsection 6A.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill establishes an address confidentiality program
7 (program) in the office of the secretary of state (secretary)
8 for a victim of domestic abuse, domestic abuse assault, sexual
9 abuse, or stalking or for a person in fear of the person's
10 safety or another person's safety.

11 CERTIFICATION AND DESIGNATED ADDRESS. Under the bill, an
12 eligible person may submit an application for enrollment in
13 the program to the secretary with certain required information
14 including the applicant's residential address. "Eligible
15 person" is defined as an Iowa resident who is an adult, a
16 minor, or an incapacitated person who is a victim of domestic
17 abuse, domestic abuse assault, sexual abuse, or stalking, as
18 defined in the bill, as evidenced by the filing of a petition
19 for a domestic abuse protective order or a criminal complaint
20 or information involving domestic abuse assault, sexual
21 abuse, or stalking. When the secretary certifies the eligible
22 person's enrollment in the program, the eligible person becomes
23 a program participant for a four-year enrollment period and
24 the secretary assigns the program participant a designated
25 address. The secretary then forwards all mail sent to the
26 designated address to the program participant at the program
27 participant's preferred address for delivery of mail. When
28 a program participant presents the program participant's
29 designated address to any person, that designated address
30 shall be accepted as the address of the program participant,
31 unless a service or benefit received by the program participant
32 would be impossible to provide without knowledge of the
33 program participant's actual physical location. If a program
34 participant notifies a person in writing that the individual is
35 a program participant, the person is prohibited from knowingly

1 disclosing the program participant's address unless certain
2 circumstances apply.

3 The bill provides that the secretary or the secretary's
4 designee shall not be liable for acts or omission relating to
5 the administration of the program.

6 CERTIFICATION CANCELLATION. The bill specifies
7 circumstances under which the secretary may cancel a program
8 participant's certification, including due to a legal name
9 change or a change in contact information, undeliverable mail,
10 eligibility requirement changes, and false information in the
11 program participant's application.

12 CONFIDENTIALITY. The bill provides that information
13 collected, created, or maintained by the secretary related
14 to applicants, eligible persons, and program participants is
15 confidential unless otherwise ordered by a court or released
16 by the lawful custodian of the records pursuant to state or
17 federal law. Upon request from the department of public
18 safety, the secretary may share confidential information
19 with the department of public safety for release to a law
20 enforcement agency upon verification that the release will
21 aid the law enforcement agency in responding to an emergency
22 situation, a criminal complaint, or an ongoing investigation.
23 In addition, if a program participant has notified the program
24 participant's landlord in writing that the individual is a
25 program participant pursuant to the bill, a local ordinance
26 or the landlord shall not require the display of the program
27 participant's name at an address otherwise protected under the
28 bill.

29 VOTING BY PROGRAM PARTICIPANT. The bill provides that a
30 program participant who is an eligible elector may register
31 to vote with the state commissioner of elections, although
32 the name, residential address, and telephone number of a
33 program participant shall not be listed in the statewide
34 voter registration system. A program participant who is
35 otherwise eligible to vote may annually register with the

1 state commissioner of elections as an absentee voter. If the
2 materials comply with the requirements of that section, the
3 materials shall be certified by the state commissioner of
4 elections as the ballot of a program participant, and shall be
5 forwarded to the appropriate county commissioner of elections
6 for tabulation by the special voters precinct election board.
7 The bill makes conforming changes to voter registration
8 provisions.

9 DOMESTIC ABUSE ASSAULT, STALKING, AND SEXUAL ABUSE VICTIM
10 SURCHARGE. The bill creates a victim surcharge of \$100 if an
11 adjudication of guilt or a deferred judgment has been entered
12 for the crime of domestic abuse assault. The clerk of the
13 district court is directed to remit all moneys collected from
14 the surcharge for transfer to the office of secretary of state
15 to defray administrative costs associated with the address
16 confidentiality program created in the bill.