

**House File 585 - Introduced**

HOUSE FILE 585

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 233)

**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 and including effective date  
5 provisions.

6 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,  
26 709.4, or 710A.2.

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.* A governmental body, as defined in section  
32 21.2, or an entity created pursuant to chapter 28E, shall not  
33 be liable for acts or omissions relating to this chapter.

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     *d.* The program participant does not accept service of  
12 process or fails to respond to service of process as described  
13 in section 9E.4, subsection 4.

14     2. The secretary shall cancel a program participant's  
15 certification if the program participant's application contains  
16 false information.

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

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

28     2. A program participant may use the designated address as  
29 the program participant's work address.

30     3. The secretary shall forward all mail sent to the  
31 designated address to the program participant.

32     4. The office of the secretary of state shall act as agent  
33 of the program participant for purposes of service of process.  
34 The secretary of state shall forward any service of process  
35 received by the office of the secretary of state by certified

1 mail, return receipt requested to the designated address of the  
2 program participant within three days of receipt in the office  
3 of the secretary of state. A program participant shall either  
4 accept or reject service of process and the secretary of state  
5 shall notify the person initiating the service of process,  
6 unless such person is not ascertainable from the service of  
7 process documents, of the date of the program participant's  
8 acceptance or rejection of the service of process. The  
9 date of service of the service of process is the date of the  
10 participant's acceptance or rejection. A program participant  
11 who is unavailable for delivery or who fails to respond to  
12 service of process shall be removed from the program.

13 5. If a program participant has notified a person in  
14 writing, on a form prescribed by the secretary, that the  
15 individual is a program participant and of the requirements  
16 of this section, the person shall not knowingly disclose the  
17 program participant's address, unless any of the following:

18 a. The person to whom the address is disclosed also lives,  
19 works, or goes to school at the address disclosed.

20 b. The program participant has provided written consent to  
21 disclosure of the program participant's name and address for  
22 the purpose for which the disclosure will be made.

23 6. This section does not apply to documents or records  
24 relating to real property. The secretary shall offer a program  
25 participant information relating to the purchase of real  
26 property utilizing limited liability companies, trusts, or  
27 other legal entities in order to protect the participant's  
28 identity for purposes of this program when purchasing real  
29 property.

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

32 1. A program participant who is an eligible elector may  
33 register to vote with the state commissioner of elections,  
34 pursuant to section 48A.8, subsection 1. The name, address,  
35 and telephone number of a program participant shall not be

1 listed in the statewide voter registration system.

2 2. a. A program participant who is otherwise eligible  
3 to vote may annually register with the state commissioner  
4 of elections as an absentee voter. As soon as practicable  
5 before each election, the state commissioner of elections shall  
6 determine the precinct in which the residential address of the  
7 program participant is located and shall request and receive  
8 from the county commissioner of elections the ballot for that  
9 precinct and shall forward the absentee ballot to the program  
10 participant with the other materials for absentee balloting as  
11 required of the county commissioner of elections by section  
12 53.8.

13 b. The program participant shall complete the ballot and  
14 return it to the state commissioner of elections, who shall  
15 review the ballot in the manner provided by sections 53.18  
16 and 53.19. If the materials comply with the requirements  
17 of section 53.18, the materials shall be certified by the  
18 state commissioner of elections as the ballot of a program  
19 participant, and shall be forwarded to the appropriate county  
20 commissioner of elections for tabulation by the special voters  
21 precinct election board appointed pursuant to section 53.23.

22 c. The state commissioner of elections, to the extent  
23 practicable, shall administer this section in accordance with  
24 the provisions of chapters 48A and 53 applicable to county  
25 commissioners of elections.

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

27 1. a. Except as otherwise provided in subsection  
28 2, information collected, created, or maintained by the  
29 secretary related to applicants, eligible persons, and program  
30 participants is confidential unless otherwise ordered by a  
31 court or released by the lawful custodian of the records  
32 pursuant to state or federal law.

33 b. A program participant's name and address maintained  
34 by a local governmental body that is part of an ongoing  
35 investigation or inspection of an alleged health code,

1 building code, fire code, or city ordinance violation  
2 allegedly committed by the program participant is confidential  
3 information.

4 2. Upon request from the department of public safety,  
5 the secretary may share confidential information with the  
6 department of public safety. Such confidential information  
7 received by the department of public safety may be released  
8 to a law enforcement agency upon verification that the  
9 release will aid the law enforcement agency in responding to  
10 an emergency situation, a criminal complaint, or an ongoing  
11 investigation.

12 3. This section shall not be construed to prohibit the  
13 dissemination of information relating to the program to any  
14 agency or organization if necessary for carrying out the  
15 official duties of the agency or organization, or to a person  
16 if disseminated for an official purpose, or to any other person  
17 if necessary to protect a person or property from a threat of  
18 imminent serious harm.

19 4. If a program participant has notified the program  
20 participant's landlord in writing that the individual is a  
21 program participant pursuant to this chapter, a local ordinance  
22 or the landlord shall not allow the display of the program  
23 participant's name at an address otherwise protected under this  
24 chapter.

25 5. This section shall not be construed to prohibit the  
26 enforcement of a lease agreement between a program participant  
27 and a program participant's landlord.

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

30 1. An eligible elector may request that a voter registration  
31 form be mailed to the elector. The completed form may be  
32 mailed or delivered by the registrant or the registrant's  
33 designee to the commissioner in the county where the person  
34 resides or to the state commissioner of elections for a  
35 program participant, as provided in section 9E.5. A separate



1 voter registration form shall be signed by each individual  
2 registrant.

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

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

9 Sec. 9. Section 252B.9, subsection 3, paragraph i, Code  
10 2015, is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (07) The unit receives notification that  
12 an individual is a certified program participant as provided  
13 in chapter 9E.

14 Sec. 10. Section 252B.9, subsection 3, paragraph i,  
15 subparagraph (7), Code 2015, is amended to read as follows:

16 (7) The unit receives notification, as the result of a  
17 request under section 252B.9A, of the existence of any finding,  
18 order, safety plan, or founded allegation referred to in  
19 subparagraphs (1) through ~~(6)~~ (07) of this paragraph.

20 Sec. 11. Section 602.8102, subsection 135A, Code 2015, is  
21 amended to read as follows:

22 135A. Assess the surcharges provided by sections 911.1,  
23 911.2, 911.2A, 911.2B, 911.3, and 911.4.

24 Sec. 12. Section 602.8108, Code 2015, is amended by adding  
25 the following new subsection:

26 NEW SUBSECTION. 6A. The clerk of the district court  
27 shall remit all moneys collected from the assessment of the  
28 surcharges provided in sections 911.2B and 911.2C to the state  
29 court administrator for transfer to the office of secretary of  
30 state to defray the administrative costs associated with the  
31 address confidentiality program established in chapter 9E.

32 Sec. 13. NEW SECTION. **911.2B Domestic abuse assault,**  
33 **stalking, and sexual abuse victim surcharge.**

34 1. In addition to any other surcharge, the court or clerk of  
35 the district court shall assess a domestic abuse assault victim

1 surcharge of one hundred dollars if an adjudication of guilt or  
2 a deferred judgment has been entered for a violation of section  
3 708.2A, 708.11, or 709.1.

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

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

8 Sec. 14. NEW SECTION. 911.2C Domestic abuse protective  
9 order contempt surcharge.

10 1. In addition to any other surcharge, the court or clerk  
11 of the district court shall assess a domestic abuse protective  
12 order contempt surcharge of fifty dollars against a defendant  
13 who is held in contempt of court for violating a domestic abuse  
14 protective order issued pursuant to chapter 236.

15 2. In the event of multiple violations, the surcharge shall  
16 be imposed for each applicable violation.

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

19 Sec. 15. EFFECTIVE DATE. Except for the sections of this  
20 Act amending sections 602.8102 and 602.8108 and enacting  
21 sections 911.2B and 911.2C, imposing a domestic abuse assault,  
22 stalking, and sexual abuse victim surcharge and a domestic  
23 abuse protective order contempt surcharge, this Act takes  
24 effect January 1, 2016.

25

EXPLANATION

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

28 This bill establishes an address confidentiality program  
29 (program) in the office of the secretary of state (secretary)  
30 for a victim of domestic abuse, domestic abuse assault, sexual  
31 abuse, stalking, or human trafficking.

32 CERTIFICATION AND DESIGNATED ADDRESS. Under the bill, an  
33 eligible person may submit an application for enrollment in  
34 the program to the secretary with certain required information  
35 including the applicant's residential address. "Eligible

1 person" is defined as an Iowa resident who is an adult, a  
2 minor, or an incapacitated person who is a victim of domestic  
3 abuse, domestic abuse assault, sexual abuse, stalking, or  
4 human trafficking, as defined in the bill, as evidenced by the  
5 filing of a petition for a domestic abuse protective order or  
6 a criminal complaint or information involving domestic abuse  
7 assault, sexual abuse, stalking, or human trafficking. When  
8 the secretary certifies the eligible person's enrollment in the  
9 program, the eligible person becomes a program participant for  
10 a four-year enrollment period and the secretary assigns the  
11 program participant a designated address. The secretary then  
12 forwards all mail sent to the designated address to the program  
13 participant at the program participant's preferred address  
14 for delivery of mail. When a program participant presents  
15 the program participant's designated address to any person,  
16 that designated address shall be accepted as the address of  
17 the program participant, unless a service or benefit received  
18 by the program participant would be impossible to provide  
19 without knowledge of the program participant's actual physical  
20 location. The secretary of state shall act as agent of the  
21 program participant for purposes of service of process and the  
22 bill contains a specific procedure for delivery of service of  
23 process to a program participant and a program participant's  
24 acceptance or rejection of service of process. If a program  
25 participant notifies a person in writing that the individual is  
26 a program participant, the person is prohibited from knowingly  
27 disclosing the program participant's address unless certain  
28 circumstances apply. The provisions in the bill relating to  
29 the use of the designated address do not apply to documents or  
30 records relating to real property and the secretary is required  
31 to offer information to a program participant relating to the  
32 purchase of real property utilizing alternative legal entities  
33 to protect the program participant's identity.

34 The bill provides that a governmental body or an entity  
35 created pursuant to Code chapter 28E shall not be liable for

1 acts or omission relating to the administration of the program.

2 CERTIFICATION CANCELLATION. The bill specifies  
3 circumstances under which the secretary may cancel a program  
4 participant's certification, including due to a legal name  
5 change or a change in contact information, undeliverable mail,  
6 eligibility requirement changes, false information in the  
7 program participant's application and failure on the part of  
8 a program participant to accept or to respond to service of  
9 process.

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

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 AND DOMESTIC ABUSE PROTECTIVE ORDER CONTEMPT  
11 SURCHARGE. The bill creates a victim surcharge of \$100 if an  
12 adjudication of guilt or a deferred judgment has been entered  
13 for the crime of domestic abuse assault and a domestic abuse  
14 protective order contempt surcharge of \$50 for a defendant who  
15 is held in contempt of court for violating a domestic abuse  
16 protective order. The clerk of the district court is directed  
17 to remit all moneys collected from the surcharges for transfer  
18 to the office of secretary of state to defray administrative  
19 costs associated with the address confidentiality program  
20 created in the bill.

21 CONFORMING CODE CHANGES — CHILD SUPPORT RECOVERY UNIT.  
22 The bill makes changes to certain provisions relating to the  
23 disclosure of information in a child support recovery case  
24 based upon information that a party is a program participant  
25 under the bill.

26 EFFECTIVE DATE. The bill provides that except for the  
27 provisions of the bill enacting the domestic abuse assault,  
28 stalking, and sexual abuse victim surcharge and a domestic  
29 abuse protective order contempt surcharge, the bill takes  
30 effect January 1, 2016.