



# Senate

General Assembly

**File No. 277**

*January Session, 2003*

Substitute Senate Bill No. 853

*Senate, April 10, 2003*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING AN ADDRESS CONFIDENTIALITY PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2004*) As used in sections 1 to  
2 16, inclusive, of this act:

3 (1) "Address confidentiality program" or "program" means the  
4 program established pursuant to sections 1 to 16, inclusive, of this act;

5 (2) "Agency" shall have the same meaning as "public agency" or  
6 "agency", as provided in section 1-200 of the general statutes;

7 (3) "Application assistant" means a person authorized by the  
8 Secretary of the State to assist applicants in the completion of  
9 applications for program participation;

10 (4) "Authorized personnel" means an employee in the office of the  
11 Secretary of the State who has been designated by the Secretary of the  
12 State, or an employee of an agency who has been designated by the

13 chief executive officer of such agency, to process and have access to  
14 records pertaining to a program participant, including, but not limited  
15 to, voter registration applications, voting records and marriage  
16 records;

17 (5) "Certification card" means a card issued by the Secretary of the  
18 State pursuant to section 5 of this act;

19 (6) "Confidential address" means a program participant's address or  
20 addresses as listed on such participant's application for program  
21 participation that are not to be disclosed, including such participant's  
22 residential address in this state and work and school addresses in this  
23 state, if any;

24 (7) "Family violence" shall have the same meaning as provided in  
25 section 46b-38a of the general statutes;

26 (8) "Injury or risk of injury to a child" means any act or conduct that  
27 constitutes a violation of section 53-21 of the general statutes;

28 (9) "Law enforcement agency" means the office of the Attorney  
29 General, the office of the Chief State's Attorney, the Division of State  
30 Police within the Department of Public Safety or any municipal police  
31 department;

32 (10) "Marriage records" means an application for a marriage license,  
33 an issued marriage license, a license certificate or other documents  
34 related thereto;

35 (11) "Program address" means the post office box number and  
36 fictitious street address assigned to a program participant by the  
37 Secretary of the State;

38 (12) "Program participant" or "participant" means any person  
39 certified by the Secretary of the State to participate in the address  
40 confidentiality program;

41 (13) "Record" shall have the same meaning as "public records or

42 files", as provided in section 1-200 of the general statutes;

43 (14) "Sexual assault" means any act that constitutes a violation of  
44 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of  
45 the general statutes; and

46 (15) "Stalking" means any act that constitutes a violation of section  
47 53a-181c, 53a-181d or 53a-181e of the general statutes.

48 Sec. 2. (NEW) (*Effective January 1, 2004*) (a) There shall be an address  
49 confidentiality program established in the office of the Secretary of the  
50 State to provide a substitute mailing address for any person who has  
51 been a victim of family violence, injury or risk of injury to a child,  
52 sexual assault or stalking, and who wishes to keep such person's  
53 residential address confidential because of safety concerns.

54 (b) The Secretary of the State shall adopt regulations, in accordance  
55 with the provisions of chapter 54 of the general statutes, to carry out  
56 the provisions of sections 1 to 16, inclusive, of this act. Such regulations  
57 may include, but need not be limited to, provisions for applications for  
58 participation in the address confidentiality program, certification of  
59 program participants, certification cancellation, agency use of program  
60 addresses, forwarding of program participants' mail, voting by  
61 program participants and recording of vital statistics for program  
62 participants.

63 Sec. 3. (NEW) (*Effective January 1, 2004*) (a) An adult person, a  
64 guardian or conservator of the person acting on behalf of an adult  
65 person, or a parent or guardian acting on behalf of a minor may apply  
66 to the Secretary of the State for participation in the address  
67 confidentiality program and to have the Secretary of the State  
68 designate a program address to serve as the address of the adult  
69 person or of the minor. Each application for program participation  
70 shall be completed with the assistance of an application assistant.

71 (b) The Secretary of the State shall make available a list of entities  
72 that employ application assistants to assist applicants in applying for

73 participation in the address confidentiality program, provided no  
74 entity shall be included on such list unless the entity has received  
75 sufficient funds from federal or state sources as reimbursement for the  
76 reasonable costs of implementing the provisions of sections 1 to 16,  
77 inclusive, of this act.

78 Sec. 4. (NEW) (*Effective January 1, 2004*) The Secretary of the State  
79 shall certify an applicant or the person on whose behalf an application  
80 is made as a program participant if the application is filed in the  
81 manner and on the application form prescribed by the Secretary of the  
82 State and includes:

83 (1) A statement made under penalty of false statement, as provided  
84 in section 53a-157b of the general statutes, that (A) the applicant or the  
85 person on whose behalf the application is made is a victim of family  
86 violence, injury or risk of injury to a minor, sexual assault or stalking,  
87 and (B) the applicant fears for the applicant's safety, for the safety of  
88 the applicant's children, for the safety of the person on whose behalf  
89 the application is made, or for the safety of the children of the person  
90 on whose behalf the application is made;

91 (2) Documentation supporting the statement made pursuant to  
92 subdivision (1) of this section;

93 (3) A designation of the Secretary of the State as the agent of the  
94 applicant or the person on whose behalf the application is made for  
95 service of process and for receipt of first class mail;

96 (4) The residential address in this state, the work and school  
97 addresses in this state, if any, and the phone number or numbers, if  
98 available, that are to remain confidential, but which may be used by  
99 the Secretary of the State or authorized personnel to contact the  
100 applicant or the person on whose behalf the application is made; and

101 (5) The application preparation date, the applicant's signature and  
102 the signature of the application assistant who assisted the applicant in  
103 completing the application.

104       Sec. 5. (NEW) (*Effective January 1, 2004*) Upon certification of an  
105 applicant or a person on whose behalf an application is made as a  
106 program participant pursuant to section 4 of this act, the Secretary of  
107 the State shall issue a certification card to such applicant or person, as  
108 appropriate. The certification card shall include the program  
109 participant's name and signature, a certification code, the program  
110 address and the certification expiration date. Such certification  
111 expiration date shall be four years from the date of issuance of the  
112 certification card.

113       Sec. 6. (NEW) (*Effective January 1, 2004*) (a) The Secretary of the State  
114 shall maintain a post office box for the exclusive use of the program.  
115 The post office box number and a fictitious street address shall be the  
116 program address for program participants.

117       (b) The Secretary of the State shall open the post office box each day,  
118 other than Saturdays, Sundays and state holidays, and retrieve the  
119 contents. All first class mail addressed to a program participant shall  
120 be placed, unopened, into envelopes addressed to the participant and  
121 deposited at a United States post office the same day for delivery by  
122 first class mail to the participant at the confidential address indicated  
123 on the application by the participant or by the person applying on  
124 behalf of the participant.

125       Sec. 7. (NEW) (*Effective January 1, 2004*) A program participant may  
126 request that the participant's marriage records be kept confidential by  
127 appearing in person with the participant's spouse or intended spouse  
128 before the authorized personnel for the office of the registrar of vital  
129 statistics in the municipality where the marriage was or is to be  
130 celebrated and presenting the participant's certification card to such  
131 personnel. Upon such request, such registrar shall keep the  
132 participant's marriage records confidential and shall not make  
133 available for inspection or copying the name and address of a program  
134 participant or of the participant's spouse or intended spouse contained  
135 in the participant's marriage records, except (1) if requested by a law  
136 enforcement agency, to the law enforcement agency, (2) if directed by a

137 court order, to a person identified in such order, or (3) if notified by the  
138 Secretary of the State that the program participant's certification has  
139 been cancelled.

140 Sec. 8. (NEW) (*Effective January 1, 2004*) A program participant may  
141 request to be listed on a voter registry list without the participant's  
142 street and house number by presenting the participant's certification  
143 card to the authorized personnel for the office of the registrar of voters  
144 for the municipality in which the participant is eligible to vote, or has  
145 applied for such eligibility. Upon such request, the registrar of voters  
146 shall list the participant by name only in accordance with subsection  
147 (d) of section 9-35 of the general statutes. Such registrar shall keep the  
148 participant's confidential address confidential and shall not make such  
149 address available for inspection or copying, except (1) if requested by a  
150 law enforcement agency, to the law enforcement agency, (2) if directed  
151 by a court order, to a person identified in such order, or (3) if notified  
152 by the Secretary of the State that the program participant's certification  
153 has been cancelled.

154 Sec. 9. (NEW) (*Effective January 1, 2004*) (a) A program participant  
155 may request that an agency use the program address as the  
156 participant's residential, work or school address for all purposes for  
157 which the agency requires or requests such residential, work or school  
158 address. A program participant shall present the participant's  
159 certification card to any agency official creating a new record  
160 pertaining to the participant and request the use in such record of the  
161 program address appearing on the certification card. The agency  
162 official may make a photocopy of the certification card for the records  
163 of the agency and thereafter shall immediately return the certification  
164 card to the program participant.

165 (b) If a program participant requests that an agency use the program  
166 address pursuant to subsection (a) of this section, the agency shall  
167 accept and use the program address as the program participant's  
168 residential, work or school address, in lieu of the participant's  
169 confidential address, unless the agency receives an exemption from

170 such use granted by the Secretary of the State pursuant to section 10 of  
171 this act.

172 Sec. 10. (NEW) (*Effective January 1, 2004*) (a) An agency may request  
173 an exemption from the use of a program participant's program address  
174 pursuant to section 9 of this act by providing, in writing, to the  
175 Secretary of the State: (1) Identification of the statute or regulation that  
176 specifies the agency's statutory or regulatory requirement for the use  
177 of the program participant's confidential address; (2) a statement that  
178 the confidential address will be used only for such statutory or  
179 regulatory purposes; (3) identification of the specific program  
180 participant with respect to whom the exemption is requested; (4)  
181 identification of the persons who will have access to the confidential  
182 address; and (5) an explanation of how the agency's acceptance of the  
183 program address would prevent the agency from meeting its  
184 obligations under the law and why it cannot meet its statutory or  
185 regulatory obligation by a change in its internal procedures.

186 (b) During the review and evaluation by the Secretary of the State,  
187 and any appeal, if applicable, of an agency's exemption request, the  
188 agency shall use the program participant's program address.

189 (c) The Secretary of the State's determination to grant or deny an  
190 exemption request shall be based on, but need not be limited to, an  
191 evaluation of the information provided by the agency pursuant to  
192 subsection (a) of this section.

193 (d) If the Secretary of the State determines that there is a statutory or  
194 regulatory requirement that the agency use the program participant's  
195 confidential address and that the confidential address will be used  
196 only to comply with such requirement, the Secretary of the State shall  
197 issue a written exemption for the agency. The Secretary of the State  
198 may include in the exemption (1) the agency's obligation to maintain  
199 the confidentiality of the program participant's confidential address,  
200 (2) limitations on the use of or access to the confidential address, (3)  
201 the term for which the exemption is granted, (4) a designation of the  
202 record format in which the confidential address may be maintained, (5)

203 a designation of a disposition date after which the agency may no  
204 longer maintain a record of the participant's confidential address, and  
205 (6) any other provisions and qualifications deemed appropriate by the  
206 Secretary of the State. Any agency that is granted an exemption may  
207 not make the program participant's confidential address available for  
208 inspection or copying by persons other than those identified in the  
209 exemption request as having access to the confidential address, except  
210 (A) if directed by a court order, to a person identified in such order, or  
211 (B) if notified by the Secretary of the State that the program  
212 participant's certification has been cancelled.

213 (e) Prior to granting an exemption, the Secretary of the State shall  
214 notify the program participant of the exemption, including the name of  
215 the agency and the reason or reasons for the exemption.

216 (f) If the Secretary of the State determines that there is no statutory  
217 or regulatory requirement that the agency use the program  
218 participant's confidential address, the Secretary of the State shall issue  
219 a written denial of the exemption request. Such written denial shall  
220 include a statement of the reason or reasons for the denial.

221 (g) The granting or denial of the agency's exemption request  
222 pursuant to this section constitutes a final decision. The program  
223 participant or any other party aggrieved by such decision may appeal  
224 therefrom in accordance with the provisions of section 4-183 of the  
225 general statutes.

226 Sec. 11. (NEW) (*Effective January 1, 2004*) (a) A program participant,  
227 a guardian or conservator of the person acting on behalf of an adult  
228 program participant, or a parent or guardian acting on behalf of a  
229 minor program participant may apply to renew the participant's  
230 program certification by filing with the Secretary of the State (1) the  
231 participant's current certification card, (2) a properly completed  
232 certification renewal form, and (3) a new certification card form. The  
233 program participant or the person acting on behalf of the program  
234 participant shall provide all the information required on the  
235 certification renewal form and the program participant shall sign and

236 date the certification card form.

237 (b) The Secretary of the State shall (1) certify a program participant  
238 who has satisfied the filing requirements of subsection (a) of this  
239 section to participate in the program for an additional four-year term,  
240 and (2) issue to such program participant a new certification card with  
241 a new certification expiration date.

242 Sec. 12. (NEW) (*Effective January 1, 2004*) (a) The Secretary of the  
243 State may cancel a program participant's certification and invalidate  
244 the participant's certification card if:

245 (1) The program participant changes the participant's name from the  
246 name listed on the program application and fails to notify the  
247 Secretary of the State in writing of the name change not later than  
248 thirty days after the change;

249 (2) The program participant changes the participant's confidential  
250 address from the address listed on the program application and fails to  
251 notify the Secretary of the State in writing of the change not later than  
252 thirty days after the change;

253 (3) Mail forwarded to the program participant is returned as  
254 nondeliverable;

255 (4) The term of the program participant's certification has expired  
256 and the participant has not applied for renewal; or

257 (5) The application for program participation or renewal filed by or  
258 on behalf of the program participant contains false information.

259 (b) The Secretary of the State shall send written notice of  
260 cancellation to the program participant at the confidential address  
261 shown in the Secretary of the State's records regarding the participant.  
262 The notice shall specify the reason or reasons for cancellation. The  
263 program participant shall have thirty days from the date the notice  
264 was mailed by the Secretary of the State to appeal the cancellation in  
265 accordance with regulations adopted pursuant to section 2 of this act.

266 (c) A person may reapply to the address confidentiality program at  
267 any time after such person's certification has been cancelled for any  
268 reason.

269 (d) (1) The Secretary of the State shall notify in writing the  
270 authorized personnel of the appropriate agency when a participant's  
271 certification in the program has been cancelled. After receipt of such  
272 notice, the agency shall not be responsible for maintaining the  
273 confidentiality of the record or address of a program participant whose  
274 certification has been cancelled.

275 (2) If the marriage records of a program participant whose  
276 certification has been cancelled were kept confidential pursuant to  
277 section 7 of this act, the Secretary of the State shall notify in writing the  
278 authorized personnel of the appropriate office of the registrar of vital  
279 statistics of the cancellation.

280 (3) If the participant whose certification has been cancelled was  
281 listed on a voter registry list without the participant's street and house  
282 number pursuant to section 8 of this act, the Secretary of the State shall  
283 notify in writing the authorized personnel of the appropriate office of  
284 the registrar of voters of the cancellation.

285 (e) A program participant may withdraw from the program by  
286 submitting to the Secretary of the State written notice of the  
287 participant's withdrawal and the participant's current certification  
288 card. The Secretary of the State shall cancel the participant's  
289 certification effective on the date of receipt of such notice by the  
290 Secretary of the State.

291 Sec. 13. (NEW) (*Effective January 1, 2004*) (a) The Secretary of the  
292 State shall be a program participant's agent upon whom any summons,  
293 writ, notice, demand or process in any action, proceeding or other  
294 matter involving the program participant shall be served.

295 (b) A program participant may be served by any proper officer or  
296 other person lawfully empowered to make service by leaving two true

297 and attested copies of such summons, writ, notice, demand or process,  
298 together with the required fee, at the office of the Secretary of the State  
299 or depositing the same in the United States mail, by registered or  
300 certified mail, postage prepaid, addressed to the Secretary of the State's  
301 office and marked "Address Confidentiality Program". The Secretary  
302 of the State shall file one copy of the summons, writ, notice, demand or  
303 process and keep a record of the date and hour of receipt. The  
304 Secretary of the State shall, not later than two business days after such  
305 service, forward by registered or certified mail the copy of such  
306 summons, writ, notice, demand or process to the program participant  
307 at the confidential address shown on the records of the Secretary of the  
308 State.

309 (c) Service is effective pursuant to this section as of the date and  
310 hour received by the Secretary of the State as shown on the records of  
311 the Secretary of the State.

312 Sec. 14. (NEW) (*Effective January 1, 2004*) (a) The Secretary of the  
313 State may not make any records in a program participant's file, other  
314 than the program address, available for inspection or copying, except:

315 (1) If requested by a law enforcement agency or by the State  
316 Elections Enforcement Commission, to such law enforcement agency  
317 or said commission, provided the request is in writing, on agency or  
318 commission letterhead stationery signed by the agency's chief law  
319 enforcement officer, a commanding officer in the Division of State  
320 Police within the Department of Public Safety or the executive director  
321 of the State Elections Enforcement Commission, as the case may be,  
322 and contains the request date and the name of the program participant;

323 (2) If directed by a court order, to a person identified in such order;

324 (3) To verify the participation of a specific program participant, in  
325 which case the Secretary of the State may only confirm information  
326 supplied by the requestor; or

327 (4) If the program participant's certification has been cancelled.

328 (b) If the Secretary of the State discloses records pursuant to  
329 subdivision (2) or (3) of subsection (a) of this section, the Secretary of  
330 the State shall forthwith notify the program participant of such  
331 disclosure.

332 Sec. 15. (NEW) (*Effective January 1, 2004*) No employee of any law  
333 enforcement agency or any state or municipal social service agency,  
334 and no other witness, shall be compelled to disclose a program  
335 participant's confidential address during the discovery phase of, or  
336 during testimony in, any criminal or civil proceeding unless the court  
337 finds that nondisclosure may prejudice a party to the proceeding.

338 Sec. 16. (NEW) (*Effective January 1, 2004*) No custody or visitation  
339 order in effect prior to or during a person's participation in the address  
340 confidentiality program shall be affected by such participation or by  
341 any provision of sections 1 to 16, inclusive, of this act.

342 Sec. 17. Subsection (b) of section 1-210 of the general statutes is  
343 repealed and the following is substituted in lieu thereof (*Effective*  
344 *January 1, 2004*):

345 (b) Nothing in the Freedom of Information Act shall be construed to  
346 require disclosure of:

347 (1) Preliminary drafts or notes provided the public agency has  
348 determined that the public interest in withholding such documents  
349 clearly outweighs the public interest in disclosure;

350 (2) Personnel or medical files and similar files the disclosure of  
351 which would constitute an invasion of personal privacy;

352 (3) Records of law enforcement agencies not otherwise available to  
353 the public which records were compiled in connection with the  
354 detection or investigation of crime, if the disclosure of said records  
355 would not be in the public interest because it would result in the  
356 disclosure of (A) the identity of informants not otherwise known or the  
357 identity of witnesses not otherwise known whose safety would be  
358 endangered or who would be subject to threat or intimidation if their

359 identity was made known, (B) signed statements of witnesses, (C)  
360 information to be used in a prospective law enforcement action if  
361 prejudicial to such action, (D) investigatory techniques not otherwise  
362 known to the general public, (E) arrest records of a juvenile, which  
363 shall also include any investigatory files, concerning the arrest of such  
364 juvenile, compiled for law enforcement purposes, (F) the name and  
365 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
366 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
367 impairing of morals under section 53-21, or of an attempt thereof, or  
368 (G) uncorroborated allegations subject to destruction pursuant to  
369 section 1-216;

370 (4) Records pertaining to strategy and negotiations with respect to  
371 pending claims or pending litigation to which the public agency is a  
372 party until such litigation or claim has been finally adjudicated or  
373 otherwise settled;

374 (5) (A) Trade secrets, which for purposes of the Freedom of  
375 Information Act, are defined as information, including formulas,  
376 patterns, compilations, programs, devices, methods, techniques,  
377 processes, drawings, cost data, or customer lists that (i) derive  
378 independent economic value, actual or potential, from not being  
379 generally known to, and not being readily ascertainable by proper  
380 means by, other persons who can obtain economic value from their  
381 disclosure or use, and (ii) are the subject of efforts that are reasonable  
382 under the circumstances to maintain secrecy; and

383 (B) Commercial or financial information given in confidence, not  
384 required by statute;

385 (6) Test questions, scoring keys and other examination data used to  
386 administer a licensing examination, examination for employment or  
387 academic examinations;

388 (7) The contents of real estate appraisals, engineering or feasibility  
389 estimates and evaluations made for or by an agency relative to the  
390 acquisition of property or to prospective public supply and

391 construction contracts, until such time as all of the property has been  
392 acquired or all proceedings or transactions have been terminated or  
393 abandoned, provided the law of eminent domain shall not be affected  
394 by this provision;

395 (8) Statements of personal worth or personal financial data required  
396 by a licensing agency and filed by an applicant with such licensing  
397 agency to establish the applicant's personal qualification for the  
398 license, certificate or permit applied for;

399 (9) Records, reports and statements of strategy or negotiations with  
400 respect to collective bargaining;

401 (10) Records, tax returns, reports and statements exempted by  
402 federal law or state statutes or communications privileged by the  
403 attorney-client relationship;

404 (11) Names or addresses of students enrolled in any public school or  
405 college without the consent of each student whose name or address is  
406 to be disclosed who is eighteen years of age or older and a parent or  
407 guardian of each such student who is younger than eighteen years of  
408 age, provided this subdivision shall not be construed as prohibiting the  
409 disclosure of the names or addresses of students enrolled in any public  
410 school in a regional school district to the board of selectmen or town  
411 board of finance, as the case may be, of the town wherein the student  
412 resides for the purpose of verifying tuition payments made to such  
413 school;

414 (12) Any information obtained by the use of illegal means;

415 (13) Records of an investigation or the name of an employee  
416 providing information under the provisions of section 4-61dd;

417 (14) Adoption records and information provided for in sections 45a-  
418 746, 45a-750 and 45a-751;

419 (15) Any page of a primary petition, nominating petition,  
420 referendum petition or petition for a town meeting submitted under

421 any provision of the general statutes or of any special act, municipal  
422 charter or ordinance, until the required processing and certification of  
423 such page has been completed by the official or officials charged with  
424 such duty after which time disclosure of such page shall be required;

425 (16) Records of complaints, including information compiled in the  
426 investigation thereof, brought to a municipal health authority pursuant  
427 to chapter 368e or a district department of health pursuant to chapter  
428 368f, until such time as the investigation is concluded or thirty days  
429 from the date of receipt of the complaint, whichever occurs first;

430 (17) Educational records which are not subject to disclosure under  
431 the Family Educational Rights and Privacy Act, 20 USC 1232g;

432 (18) Records, the disclosure of which the Commissioner of  
433 Correction, or as it applies to Whiting Forensic Division facilities of the  
434 Connecticut Valley Hospital, the Commissioner of Mental Health and  
435 Addiction Services, has reasonable grounds to believe may result in a  
436 safety risk, including the risk of harm to any person or the risk of an  
437 escape from, or a disorder in, a correctional institution or facility under  
438 the supervision of the Department of Correction or Whiting Forensic  
439 Division facilities. Such records shall include, but are not limited to:

440 (A) Security manuals, including emergency plans contained or  
441 referred to in such security manuals;

442 (B) Engineering and architectural drawings of correctional  
443 institutions or facilities or Whiting Forensic Division facilities;

444 (C) Operational specifications of security systems utilized by the  
445 Department of Correction at any correctional institution or facility or  
446 Whiting Forensic Division facilities, except that a general description  
447 of any such security system and the cost and quality of such system  
448 may be disclosed;

449 (D) Training manuals prepared for correctional institutions and  
450 facilities or Whiting Forensic Division facilities that describe, in any  
451 manner, security procedures, emergency plans or security equipment;

452 (E) Internal security audits of correctional institutions and facilities  
453 or Whiting Forensic Division facilities;

454 (F) Minutes or recordings of staff meetings of the Department of  
455 Correction or Whiting Forensic Division facilities, or portions of such  
456 minutes or recordings, that contain or reveal information relating to  
457 security or other records otherwise exempt from disclosure under this  
458 subdivision;

459 (G) Logs or other documents that contain information on the  
460 movement or assignment of inmates or staff at correctional institutions  
461 or facilities; and

462 (H) Records that contain information on contacts between inmates,  
463 as defined in section 18-84, and law enforcement officers;

464 (19) Records when there are reasonable grounds to believe  
465 disclosure may result in a safety risk, including the risk of harm to any  
466 person, any government-owned or leased institution or facility or any  
467 fixture or appurtenance and equipment attached to, or contained in,  
468 such institution or facility, except that such records shall be disclosed  
469 to a law enforcement agency upon the request of the law enforcement  
470 agency. Such reasonable grounds shall be determined (A) with respect  
471 to records concerning any executive branch agency of the state or any  
472 municipal, district or regional agency, by the Commissioner of Public  
473 Works, after consultation with the chief executive officer of the agency;  
474 (B) with respect to records concerning Judicial Department facilities,  
475 by the Chief Court Administrator; and (C) with respect to records  
476 concerning the Legislative Department, by the executive director of the  
477 Joint Committee on Legislative Management. As used in this section,  
478 "government-owned or leased institution or facility" includes, but is  
479 not limited to, an institution or facility owned or leased by a public  
480 service company, as defined in section 16-1, a certified  
481 telecommunications provider, as defined in section 16-1, or a  
482 municipal utility that furnishes electric, gas or water service, but does  
483 not include an institution or facility owned or leased by the federal  
484 government, and "chief executive officer" includes, but is not limited

485 to, an agency head, department head, executive director or chief  
486 executive officer. Such records include, but are not limited to:

487 (i) Security manuals or reports;

488 (ii) Engineering and architectural drawings of government-owned  
489 or leased institutions or facilities;

490 (iii) Operational specifications of security systems utilized at any  
491 government-owned or leased institution or facility, except that a  
492 general description of any such security system and the cost and  
493 quality of such system, may be disclosed;

494 (iv) Training manuals prepared for government-owned or leased  
495 institutions or facilities that describe, in any manner, security  
496 procedures, emergency plans or security equipment;

497 (v) Internal security audits of government-owned or leased  
498 institutions or facilities;

499 (vi) Minutes or records of meetings, or portions of such minutes or  
500 records, that contain or reveal information relating to security or other  
501 records otherwise exempt from disclosure under this subdivision;

502 (vii) Logs or other documents that contain information on the  
503 movement or assignment of security personnel at government-owned  
504 or leased institutions or facilities; and

505 (viii) Emergency plans and emergency recovery or response plans;

506 (20) Records of standards, procedures, processes, software and  
507 codes, not otherwise available to the public, the disclosure of which  
508 would compromise the security or integrity of an information  
509 technology system;

510 (21) The residential, work or school address of any participant in the  
511 address confidentiality program established pursuant to sections 1 to  
512 16, inclusive, of this act.

This act shall take effect as follows:	
Section 1	<i>January 1, 2004</i>
Sec. 2	<i>January 1, 2004</i>
Sec. 3	<i>January 1, 2004</i>
Sec. 4	<i>January 1, 2004</i>
Sec. 5	<i>January 1, 2004</i>
Sec. 6	<i>January 1, 2004</i>
Sec. 7	<i>January 1, 2004</i>
Sec. 8	<i>January 1, 2004</i>
Sec. 9	<i>January 1, 2004</i>
Sec. 10	<i>January 1, 2004</i>
Sec. 11	<i>January 1, 2004</i>
Sec. 12	<i>January 1, 2004</i>
Sec. 13	<i>January 1, 2004</i>
Sec. 14	<i>January 1, 2004</i>
Sec. 15	<i>January 1, 2004</i>
Sec. 16	<i>January 1, 2004</i>
Sec. 17	<i>January 1, 2004</i>

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Secretary of the State	Commercial Recording Division Account - Cost	Minimal	Minimal

**Municipal Impact:** None

### **Explanation**

This bill establishes an address confidentiality program for certain crime victims in the Office of the Secretary of the State (SOTS).

Based on other states' experience with address confidentiality programs, the costs to the SOTS are anticipated to be minimal. In Massachusetts (population 6,349,097), there are 157 people currently in the address confidentiality program. In New Hampshire (population 1,235,786), there are 38 people currently in the address confidentiality program. Since the inception of its program in 2001, New Hampshire has spent approximately \$750 in postage.

The address confidentiality program will be funded from the budgetary resources of the Commercial Recording Division account (CRD)<sup>1</sup>. The postage costs to the SOTS to forward the program participants' mail is expected to be less than \$10,000, funded from the CRD. The SOTS will also utilize existing staff from the CRD for

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<sup>1</sup>The Commercial Recording Division within the Secretary of the State's office files and maintains legally required records showing the formation of and fundamental changes to corporations, limited liability companies, limited liability partnerships, limited partnerships and other businesses. The Commercial Recording Division account is a restricted non-lapsing account within the General Fund.

registering and tracking applicants. The extent of the costs to the CRD depends on the number of program participants, and the staff resources and postage costs needed to accommodate those participants.

This bill also requires that the SOTS make available a list of entities that employ application assistants to assist those applying to the address confidentiality program, provided that the entities have received sufficient federal or state funds as reimbursement for the reasonable costs of implementing provisions of this bill.

**OLR Bill Analysis**

sSB 853

**AN ACT CONCERNING AN ADDRESS CONFIDENTIALITY PROGRAM****SUMMARY:**

This bill establishes an address confidentiality program within the secretary of the state's office. The program provides a substitute mailing address (mailbox and fictitious street numbers) to certain crime victims who, for safety reasons, wish to keep their residential address secret. The program is available to family violence, stalking, and sexual assault victims and victims of injury or risk of injury to a minor. Participants' residential, work, and school addresses are exempt from disclosure under the Freedom of Information Act.

The bill requires public agencies to accept participants' program address in lieu of their actual residential address, unless the agency has received an exemption from the secretary of the state. The bill specifies that program participation does not affect custody or visitation orders.

The bill requires the secretary of the state to adopt regulations to implement the program. The regulations may include provisions on (1) application and certification; (2) certification cancellation; (3) how program addresses may be used; and (4) how participants will get their mail, vote, and have vital statistics recorded.

EFFECTIVE DATE: January 1, 2004

**PROGRAM APPLICATION AND CERTIFICATION**

Adult victims of family violence, stalking, or sexual assault; parents or guardians acting on behalf of minor victims of these crimes or of injury or risk of injury to a minor; or adults or conservators acting on the behalf of other adults may file an application with the secretary of the state. She must approve properly filed applications and certify applicants as program participants by issuing each of them a certification card with specified information. Each certification lasts four years from the date the card is issued, unless it is withdrawn or

invalidated sooner (see Certification Cancellation and Program Withdrawal below).

An application assistant helps people apply for the program. The secretary of the state must make available a list of the entities that employ assistants to help these applicants. All entities on the list must have sufficient federal or state funds to pay reasonable implementation costs.

Applications must include:

1. applicants' sworn statements that they, or the people on behalf of whom applications are completed, are victims of domestic violence, injury or risk of injury to a minor, stalking, or sexual assault and that they fear for their safety, their children's safety, or the safety of the person (or the person's children) on whose behalf applications are filed;
2. documents supporting this statement;
3. a designation of the secretary as the agent for service of process and receipt of mail;
4. the confidential mailing addresses and telephone numbers where the secretary can contact them; and
5. the applicants' and assistants' signatures on the dated applications.

### **CERTIFICATION RENEWAL**

The bill permits program participants or people acting on their behalf to renew the certification by filing with the secretary their current certification card, a properly completed renewal form, and a new certification card form. The participants must sign and date the certification card form.

The secretary must certify program participants who properly complete the renewal form for four more years and issue a new certification card with the new date.

### **PROGRAM ADDRESS AND MAIL DELIVERY**

The bill requires the secretary to designate a post office box number and fictitious street address as the address of program participants. She must maintain the box for the program's exclusive use. She must get the mail from the box on weekdays, excluding state holidays, and send it, on the day of receipt, to the participant by first class mail. The secretary cannot open the mail before forwarding it.

### **AGENCY USE OF DESIGNATED ADDRESS**

Program participants may present their certification cards and request that state and local agency records show the designated program address as their actual home, work, or school address. Agency officials may make a copy of the card for the file and must then immediately return the original to the participant.

When creating a new record, each of these agencies must accept the designated address unless the secretary grants the agency an exemption.

### **AGENCY EXEMPTION FROM PROGRAM ADDRESS REQUIREMENT**

Under the bill, a public agency may ask the secretary, in writing, to exempt it from the requirement to substitute the program's address for participants' actual addresses. The request must:

1. identify the agency's legal authority for requesting the confidential address,
2. state that the address will be used only for these legal purposes,
3. specifically identify the program participant whose confidential address is requested,
4. identify the people who will have access to the address, and
5. explain how substituting the program address for the participant's confidential address would prevent the agency from meeting its legal obligation and why internal procedural changes would not solve the problem.

The bill requires the secretary to determine if the agency has a legal

requirement to use the confidential address. If she does not find one, she must issue a written denial of the request and include her reasons.

If she finds a legal requirement and is satisfied that the agency will use the address solely for this reason, she must notify the program participant of the exemption, including the agency's name and the reason, and then issue a written exemption. She may include in the exemption:

1. the agency's duty to keep the address confidential,
2. limitations on how the address may be used and who has access to it,
3. the length of the exemption,
4. a designated record format for maintaining the address,
5. how long the agency can maintain the record with the address, and
6. any other provision and qualification she deems appropriate.

An agency that receives an exemption can disclose the address only to the people listed in the request, unless otherwise directed by a court order. The secretary must at least partially base her decision to grant or deny the exemption on the agency's information. During her review and evaluation (and appeal, if applicable) of the exemption request, the agency must use the program participant's program address. The secretary's action is immediately appealable.

### **CERTIFICATION CANCELLATION**

The bill permits the secretary to cancel participants' certification and invalidate their cards if:

1. they do not give her 30 days' written notice after a name or address change,
2. mail forwarded to them is returned as undeliverable,
3. they do not apply for renewal before the initial certificate expires, or

4. they provided false information in their program application.

The secretary must send written cancellation notices, including the reason for them, to participants at the confidential address shown in her records. The bill gives participants 30 days from the date the secretary mailed the notice to appeal, but does not specify the status of the certificate during this period. They can reapply to the program again at any time.

The secretary must notify appropriate authorized agency personnel when she cancels a participant's certification. After receiving notice, the agency is not responsible for keeping the person's record or address confidential.

### **PROGRAM WITHDRAWAL**

The bill allows participants to withdraw from the program by giving the secretary written notice of their intention and their current certification card. The secretary must cancel the certification as of the date she receives this information.

### **MARRIAGE AND VOTER REGISTRY LISTS**

The bill permits participants, appearing in person, to present their certification card and ask (1) the registrar of vital statistics in the town where they either married or plan to marry to keep the marriage records confidential or (2) the registrar of voters in the town where they are qualified to vote to have their name printed on the voter registry list without a street and house address. When asked, the registrars must keep the records confidential, except if (1) requested by the attorney general, chief state's attorney, State Police, or a local police department or (2) directed by a court order to release them to people named in the order. Spouses or intended spouses must appear with applicants seeking to keep marriage records confidential.

The secretary must give the registrars written notice if she cancels a participant's certification.

### **PUBLIC DISCLOSURES**

The bill prohibits the secretary from disclosing anything from a participant's file other than the program address, except she must:

1. give the attorney general, chief state's attorney, State Police, a local police department, or the State Elections Enforcement Commission information requested in writing on agency letterhead, signed by the agency head, and that contains the request date and program participant's name;
2. release information to a named person, as directed by a court order;
3. confirm information a requestor supplies to verify a participant's program status; and
4. disclose information when she cancels a participant's certification.

The secretary must notify a participant right away when she is asked to disclose verification or court-ordered information.

Under the bill, the attorney general, chief state's attorney, State Police, local police departments, state or municipal social service agencies, and other witnesses cannot be compelled to disclose a participant's confidential address during criminal or civil discovery or trial, unless the court finds that nondisclosure might prejudice a witness to the proceeding.

### **SERVICE OF PROCESS**

The bill makes the secretary of the state the program participant's agent for service of process in any action, proceeding, or any other matter involving the participant and existing laws regarding who, when, and how to effectuate service apply. Service by mail must be marked "Address Confidentiality Program." It is unclear how a serving party would know to include this marking.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 40 Nay 0