

47:4-1 to 47:4-6

LEGISLATIVE HISTORY CHECKLIST
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(Domestic violence)

NJSA: 47:4-1 to 47:4-6

LAWS OF: 1997 **CHAPTER:** 369

BILL NO: S391

SPONSOR(S): Lipman

DATE INTRODUCED: January 18, 1996

COMMITTEE: ASSEMBLY: Appropriations

SENATE: Judiciary

AMENDED DURING PASSAGE: No Senate Committee substitute
S391/S768 enacted

DATE OF PASSAGE: ASSEMBLY: January 12, 1998

SENATE: June 16, 1997

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes 6-3-96 & 10-28-96

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: Yes

974.90 New Jersey. Task Force on Domestic Violence.
W872 Public hearing, held 12-5-97, Trenton, 1997.
1997a [see pp. 93-94]

KBP:pp

R.S. 47:4-1
To
R.S. 47:4-6

P.L. 1997, CHAPTER 369, *approved January 19, 1998*
Senate Committee Substitute for
Senate, Nos. 391 and 768

1 **AN ACT** concerning the protection of persons threatened by domestic
2 violence, supplementing Title 47 of the Revised Statutes and
3 enacting an additional chapter.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. An additional chapter 4 is added to Title 47 as follows:

9

10 Title 47
11 Chapter 4
12 Address Confidentiality Program

13

14 47:4-1. This act shall be known and may be cited as the "Address
15 Confidentiality Program Act."

16

17 47:4-2. The Legislature finds that persons attempting to escape
18 from actual or threatened domestic violence frequently establish new
19 addresses to prevent their assailants from finding them. The purpose
20 of this act is to enable public agencies to respond to requests for
21 public records without disclosing the location of a victim of domestic
22 violence, to enable interagency cooperation with the Secretary of State
23 in providing address confidentiality for victims of domestic violence,
24 and to enable public agencies to accept a program participant's use of
25 an address designated by the Secretary of State as a substitute mailing
26 address.

27

28 47:4-3. As used in this act:

29 "Address" means a residential street address, school address, or
30 work address of a person, as specified on the person's application to
31 be a program participant under this act.

32 "Program participant" means a person certified by the Secretary of
33 State as eligible to participate in the Address Confidentiality Program
34 established by this act.

35 "Department" means the Department of State.

1 "Domestic violence" means an act defined in section 3 of P.L.1991,
2 c.261 (C.2C:25-19), if the act has been reported to a law enforcement
3 agency or court.

4 "Secretary" means the Secretary of State.
5

6 47:4-4. a. There is created in the department a program to be
7 known as the "Address Confidentiality Program." A person 18 years
8 of age or over, a parent or guardian acting on behalf of a minor, or a
9 guardian acting on behalf of an incapacitated person may apply to the
10 secretary to have an address designated by the secretary as the
11 applicant's address. The secretary shall approve an application if it is
12 filed in the manner and on the form prescribed by the secretary and if
13 it contains:

14 (1) a sworn statement by the applicant that the applicant has good
15 reason to believe:

16 (a) that the applicant is a victim of domestic violence as defined
17 in this act; and

18 (b) that the applicant fears further violent acts from the applicant's
19 assailant;

20 (2) a designation of the secretary as agent for the purpose of
21 receiving process and for the purpose of receipt of mail;

22 (3) the mailing address where the applicant can be contacted by
23 the secretary, and a telephone number where the applicant can be
24 called;

25 (4) the new address or addresses that the applicant requests not
26 be disclosed because of the increased risk of domestic violence; and

27 (5) the signature of the applicant and any person who assisted in
28 the preparation of the application, and the date.

29 b. An application shall be filed with the secretary.

30 c. Upon approving a completed application, the secretary shall
31 certify the applicant as a program participant. An applicant shall be
32 certified for four years following the date of filing unless the
33 certification is withdrawn or invalidated before that date.

34 d. A program participant may apply to be recertified every four
35 years thereafter.

36 e. A program participant may use the address designated by the
37 secretary as his or her work address.

38 f. Upon receipt of first class mail addressed to a program
39 participant, the secretary or a designee shall forward the mail to the
40 actual address of the participant. The secretary may arrange to receive
41 and forward other kinds and classes of mail for any program
42 participant at the participant's expense. The actual address of a
43 program participant shall be available only to the secretary and to
44 those employees involved in the operation of the address
45 confidentiality program and to law enforcement officers for law
46 enforcement purposes.

1 g. The secretary, in accordance with the provisions of the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.), shall promulgate rules and regulations to effectuate the purposes
4 of this act.

5

6 47:4-5. The secretary may cancel a program participant's
7 certification if:

8 (1) the program participant obtains a name change through an
9 order of the court;

10 (2) the program participant changes the participant's residential
11 address and does not provide seven days' advance notice to the
12 secretary;

13 (3) mail forwarded by the secretary to the address or addresses
14 provided by the program participant is returned as undeliverable; or

15 (4) any information on the application is false.

16 The application form shall notify each applicant of the provisions
17 of this subsection.

18

19 47:4-6. A program participant may request that any State or local
20 agency use the address designated by the secretary as the program
21 participant's address. The agency shall accept the address designated
22 by the secretary as a program participant's address, unless the agency
23 has demonstrated to the satisfaction of the secretary that:

24 (1) the agency has a bona fide statutory basis for requiring the
25 program participant to disclose to it the actual location of the program
26 participant; and

27 (2) the disclosed confidential address of the program participant
28 will be used only for that statutory purpose and will not be disclosed
29 or made available in any way to any other person or agency.

30

31 2. This act shall take effect immediately.

32

33

34

35

36 Establishes "Address Confidentiality Program" for domestic violence
37 victims.

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator LIPMAN

1 AN ACT concerning the protection of persons threatened by domestic
2 violence and supplementing Title 47 of the Revised Statutes, and
3 enacting an additional chapter.
4

5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. An additional chapter 4 is added to Title 47 as follows:

9
10 Title 47
11 Chapter 4
12 Address Confidentiality Program
13

14 47:4-1. This act shall be known and shall be cited as the "Address
15 Confidentiality Program Act."

16 47:4-2. The Legislature finds that persons attempting to escape
17 from actual or threatened domestic violence frequently establish new
18 addresses to prevent their assailants from finding them. The purpose
19 of this act is to enable public agencies to respond to requests for
20 public records without disclosing the location of a victim of domestic
21 violence, to enable interagency cooperation with the Secretary of State
22 in providing address confidentiality for victims of domestic violence,
23 and to enable public agencies to accept a program participant's use of
24 an address designated by the Secretary of State as a substitute mailing
25 address.

26 47:4-3. As used in this act:

27 "Address" means a residential street address, school address, or
28 work address of an individual, as specified on the individual's
29 application to be a program participant under this act.

30 "Program participant" means a person certified by the Secretary of
31 State as eligible to participate in the Address Confidentiality Program
32 established by this act.

33 "Department" means the Department of State.

34 "Domestic violence" means an act defined in section 3 of P.L.1991,
35 c.261 (C.2C:25-19), where the act has been reported to a law
36 enforcement agency or court.

37 "Secretary" means the Secretary of State.

1 47:4-4. a. There is created in the Department a program to be
2 known as the "Address Confidentiality Program." A person over the
3 age of 18, a parent or guardian acting on behalf of a minor, or a
4 guardian acting on behalf of an incapacitated person may apply to the
5 secretary to have an address designated by the secretary as the
6 applicant's address. The secretary shall approve an application if it is
7 filed in the manner and on the form prescribed by the secretary and if
8 it contains:

9 (1) a sworn statement by the applicant that the applicant has good
10 reason to believe:

11 (a) that the person seeking a confidential address is a victim of
12 domestic violence as defined in this act; and

13 (b) that the applicant fears further violent acts from the applicant's
14 assailant;

15 (2) a designation of the secretary as agent for the purpose of
16 receiving process and for the purpose of receipt of mail;

17 (3) the mailing address where the applicant can be contacted by the
18 secretary, and a telephone number where the applicant can be called;

19 (4) the new address or addresses that the applicant requests not to
20 be disclosed because of the increased risk of domestic violence; and

21 (5) the signature of the applicant and the representative who
22 assisted in the preparation of the application, and the date.

23 b. An application shall be filed with the office of the secretary.

24 c. Upon approving a completed application, the secretary shall
25 certify the applicant as a program participant. An applicant shall be
26 certified for four years following the date of filing unless the
27 certification is withdrawn or invalidated before that date.

28 d. An applicant may apply to be recertified every four years
29 thereafter.

30 e. The secretary, in accordance with the provisions of the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.), shall promulgate rules and regulations to effectuate the purposes
33 of this act.

34 47:4-5. The secretary may cancel a program participant's
35 certification if:

36 (1) the program participant obtains a name change through an
37 order of the court;

38 (2) the program participant changes the participant's residential
39 address and does not provide seven days' advance notice;

40 (3) mail forwarded by the secretary is returned as undeliverable; or

41 (4) any information on the application is false.

42 The application form shall notify each applicant of the provisions of
43 this subsection.

44 47:4-6. a. A program participant may request that State and local
45 agencies use the address designated by the secretary as the program
46 participant's address. The agency shall accept the address designated

1 by the secretary as a program participant's address, unless the agency
2 has demonstrated to the satisfaction of the secretary that:

3 (1) the agency has a bona fide statutory basis for requiring the
4 program participant to disclose to it the actual location of the program
5 participant; and

6 (2) the disclosed confidential address of the program participant
7 will be used only for that statutory purpose and will not be disclosed
8 or made available in any way to any other purpose or agency.

9 b. A program participant may use the address designated by the
10 secretary as his or her work address.

11 c. Upon receipt of first class mail addressed to a program
12 participant, the secretary or a designee shall forward the mail to the
13 actual address of the participant. The secretary may arrange to receive
14 and forward other kinds and classes of mail for any program
15 participant at the participant's expense. The actual address of a
16 program participant shall be available only to the secretary and to
17 those employees involved in the operation of the address
18 confidentiality program.

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill establishes the "Address Confidentiality Program" in the
26 Department of State. The purpose of the program is to assist persons
27 who are victims of domestic violence in establishing and maintaining
28 a confidential address to prevent their assailant from finding them.
29 The bill would further enable public agencies to respond to requests
30 for public records without disclosing the location of a victim of
31 domestic violence.

32

33 Under the bill, upon the filing of an application and acceptance into
34 the program, the Secretary of the Department of State shall certify that
35 the applicant is a program participant, for a period up to four years.
36 A participant may reapply for recertification at that time. Participation
37 in the program permits the applicant to request the use of the
38 designated address as the participant's address by state and local
39 agencies, except where disclosure is mandated by law. Under the
40 program, first class mail addressed to a program participant shall be
41 forwarded to the actual address of the participant by the secretary or
42 a designee.

42

43

44

45 Establishes the "Address Confidentiality Program" for victims of
46 domestic violence.

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SENATE, No. 768

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senators BUBBA, BENNETT and Martin

1 AN ACT concerning the protection of persons threatened by domestic
2 violence and supplementing Title 47 of the Revised Statutes, and
3 enacting an additional chapter.

4
5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. An additional chapter 4 is added to Title 47 as follows:

9
10 Title 47
11 Chapter 4
12 Address Confidentiality Program
13

14 47:4-1. This act shall be known and shall be cited as the "Address
15 Confidentiality Program Act."

16 47:4-2. The Legislature finds that persons attempting to escape
17 from actual or threatened domestic violence frequently establish new
18 addresses to prevent their assailants from finding them. The purpose
19 of this act is to enable public agencies to respond to requests for
20 public records without disclosing the location of a victim of domestic
21 violence, to enable interagency cooperation with the Secretary of State
22 in providing address confidentiality for victims of domestic violence,
23 and to enable public agencies to accept a program participant's use of
24 an address designated by the Secretary of State as a substitute mailing
25 address.

26 47:4-3. As used in this act:
27 "Address" means a residential street address, school address, or
28 work address of an individual, as specified on the individual's
29 application to be a program participant under this act.

30 "Program participant" means a person certified by the Secretary of
31 State as eligible to participate in the Address Confidentiality Program
32 established by this act.

33 "Department" means the Department of State.

34 "Domestic violence" means an act defined in section 3 of P.L.1991,
35 c.261 (C.2C:25-19), where the act has been reported to a law
36 enforcement agency or court.

37 "Secretary" means the Secretary of State.

1 47:4-4. a. There is created in the Department a program to be
2 known as the "Address Confidentiality Program." A person over the
3 age of 18, a parent or guardian acting on behalf of a minor, or a
4 guardian acting on behalf of an incapacitated person may apply to the
5 secretary to have an address designated by the secretary as the
6 applicant's address. The secretary shall approve an application if it is
7 filed in the manner and on the form prescribed by the secretary and if
8 it contains:

9 (1) a sworn statement by the applicant that the applicant has good
10 reason to believe:

11 (a) that the person seeking a confidential address is a victim of
12 domestic violence as defined in this act; and

13 (b) that the applicant fears further violent acts from the applicant's
14 assailant;

15 (2) a designation of the secretary as agent for the purpose of
16 receiving process and for the purpose of receipt of mail;

17 (3) the mailing address where the applicant can be contacted by the
18 secretary, and a telephone number where the applicant can be called;

19 (4) the new address or addresses that the applicant requests not to
20 be disclosed because of the increased risk of domestic violence; and

21 (5) the signature of the applicant and any person who assisted in
22 the preparation of the application, and the date.

23 b. An application shall be filed with the office of the secretary.

24 c. Upon approving a completed application, the secretary shall
25 certify the applicant as a program participant. An applicant shall be
26 certified for three years following the date of filing unless the
27 certification is withdrawn or invalidated before that date.

28 d. An applicant may apply to be recertified every three years
29 thereafter.

30 e. The secretary, in accordance with the provisions of the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.), shall promulgate rules and regulations to effectuate the purposes
33 of this act.

34 47:4-5. a. A person who falsely attests in an application that
35 disclosure of the applicant's address would expose the applicant to
36 danger or further acts of domestic violence shall be subject to penalties
37 for perjury. The existence of a restraining order issued pursuant to
38 section 13 of the "Prevention of Domestic Violence Act," P.L.1991,
39 c.261 (C.2C:25-29) or pursuant to P.L.1981, c.426 (C.2C:25-1 et
40 seq.), or issued in any other jurisdiction for the purpose of protecting
41 the applicant from domestic violence, shall create a rebuttable
42 presumption that the application is made in good faith.

43 b. A person who knowingly provides a false or incorrect name,
44 address or telephone number in an application shall be subject to
45 penalties for perjury and shall immediately lose certification as a
46 program participant.

1 c. The secretary may cancel a program participant's certification if:

2 (1) the program participant obtains a name change through an
3 order of the court;

4 (2) the program participant changes the residential address and
5 does not provide seven days' advance notice pursuant to the rules
6 promulgated by the secretary ;

7 (3) mail forwarded by the secretary is returned as undeliverable; or

8 (4) any information on the application is false.

9 The application form shall notify each applicant of the provisions of
10 this subsection.

11 47:4-5. a. A program participant may request that State and local
12 agencies use the address designated by the secretary as the program
13 participant's address. The agency shall accept the address designated
14 by the secretary as a program participant's address, unless the agency
15 has demonstrated to the satisfaction of the secretary that:

16 (1) the agency has a bona fide statutory basis for requiring the
17 program participant to disclose to it the actual location of the program
18 participant; and

19 (2) the disclosed confidential address of the program participant
20 will be used only for that statutory purpose and will not be disclosed
21 or made available in any way to any other person or agency.

22 b. A program participant may use the address designated by the
23 secretary as his or her work address.

24 c. Upon receipt of first class mail addressed to a program
25 participant, the secretary or a designee shall forward the mail to the
26 actual address of the participant. The secretary may arrange to receive
27 and forward other kinds and classes of mail for any program
28 participant at the participant's expense. The actual address of a
29 program participant shall be available only to the secretary and to
30 those employees involved in the operation of the address
31 confidentiality program.

32

33 2. This act shall take effect immediately.

34

35

36 *SPORTSMAN* STATEMENT

37

38 A common experience of battered women is that for years after they
39 end an abusive relationship they must avoid their abusers or be in
40 danger. Many of them assume new names, move far away, and take
41 other steps to keep their location a secret from the former husband or
42 lover. Abusers are so persistent that in some cases it has been
43 dangerous for women to make their address public for even the most
44 important reasons. When the danger threatened their right to vote
45 (because registration requires a complete and verified address, and the
46 registration lists are public), New Jersey courts found that the state

1 had to accommodate the victims.

2 This bill establishes the "Address Confidentiality Program" in the
3 Department of State. The purpose of the program is to assist persons
4 who are victims of domestic violence in establishing and maintaining
5 a confidential address to prevent their assailant from finding them.
6 The bill would further enable public agencies to respond to requests
7 for public records without disclosing the location of a victim of
8 domestic violence.

9 Under the bill, upon the filing of an application and acceptance into
10 the program, the Secretary of the Department of State shall certify that
11 the applicant is a program participant, for a period up to three years.
12 A participant may reapply for recertification at that time. Participation
13 in the program permits the applicant to request the use of the
14 designated address as the participant's address by state and local
15 agencies, except where disclosure is mandated by law. Under the
16 program, first class mail addressed to a program participant shall be
17 forwarded to the actual address of the participant by the secretary or
18 a designee.

19 This bill is similar to a procedure available in Washington to protect
20 victims of domestic violence.

21

22

23

24

25 Establishes the "Address Confidentiality Program" for victims of
26 domestic violence.

[Passed Both Houses]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 391 and 768

STATE OF NEW JERSEY

ADOPTED OCTOBER 28, 1996

Sponsored by Senators LIPMAN, BUBBA, BENNETT,
Kosco, Cafiero, Assemblyman Stuhltrager,
Assemblywomen Crecco, Gill and Assemblyman LeFevre

1 AN ACT concerning the protection of persons threatened by domestic
2 violence, supplementing Title 47 of the Revised Statutes and
3 enacting an additional chapter.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. An additional chapter 4 is added to Title 47 as follows:
9

10 Title 47

11 Chapter 4

12 Address Confidentiality Program
13

14 47:4-1. This act shall be known and may be cited as the "Address
15 Confidentiality Program Act."
16

17 47:4-2. The Legislature finds that persons attempting to escape
18 from actual or threatened domestic violence frequently establish new
19 addresses to prevent their assailants from finding them. The purpose
20 of this act is to enable public agencies to respond to requests for
21 public records without disclosing the location of a victim of domestic
22 violence, to enable interagency cooperation with the Secretary of State
23 in providing address confidentiality for victims of domestic violence,
24 and to enable public agencies to accept a program participant's use of
25 an address designated by the Secretary of State as a substitute mailing
26 address.
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28 47:4-3. As used in this act:

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30 work address of a person, as specified on the person's application to

1 be a program participant under this act.

2 "Program participant" means a person certified by the Secretary of
3 State as eligible to participate in the Address Confidentiality Program
4 established by this act.

5 "Department" means the Department of State.

6 "Domestic violence" means an act defined in section 3 of P.L.1991,
7 c.261 (C.2C:25-19), if the act has been reported to a law enforcement
8 agency or court.

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11 47:4-4. a. There is created in the department a program to be
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13 of age or over, a parent or guardian acting on behalf of a minor, or a
14 guardian acting on behalf of an incapacitated person may apply to the
15 secretary to have an address designated by the secretary as the
16 applicant's address. The secretary shall approve an application if it is
17 filed in the manner and on the form prescribed by the secretary and if
18 it contains:

19 (1) a sworn statement by the applicant that the applicant has good
20 reason to believe:

21 (a) that the applicant is a victim of domestic violence as defined
22 in this act; and

23 (b) that the applicant fears further violent acts from the applicant's
24 assailant;

25 (2) a designation of the secretary as agent for the purpose of
26 receiving process and for the purpose of receipt of mail;

27 (3) the mailing address where the applicant can be contacted by
28 the secretary, and a telephone number where the applicant can be
29 called;

30 (4) the new address or addresses that the applicant requests not
31 be disclosed because of the increased risk of domestic violence; and

32 (5) the signature of the applicant and any person who assisted in
33 the preparation of the application, and the date.

34 b. An application shall be filed with the secretary.

35 c. Upon approving a completed application, the secretary shall
36 certify the applicant as a program participant. An applicant shall be
37 certified for four years following the date of filing unless the
38 certification is withdrawn or invalidated before that date.

39 d. A program participant may apply to be recertified every four
40 years thereafter.

41 e. A program participant may use the address designated by the
42 secretary as his or her work address.

43 f. Upon receipt of first class mail addressed to a program
44 participant, the secretary or a designee shall forward the mail to the
45 actual address of the participant. The secretary may arrange to receive
46 and forward other kinds and classes of mail for any program

1 participant at the participant's expense. The actual address of a
2 program participant shall be available only to the secretary and to
3 those employees involved in the operation of the address
4 confidentiality program and to law enforcement officers for law
5 enforcement purposes.

6 g. The secretary, in accordance with the provisions of the
7 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
8 seq.), shall promulgate rules and regulations to effectuate the purposes
9 of this act.

10

11 47:4-5. The secretary may cancel a program participant's
12 certification if:

13 (1) the program participant obtains a name change through an
14 order of the court;

15 (2) the program participant changes the participant's residential
16 address and does not provide seven days' advance notice to the
17 secretary;

18 (3) mail forwarded by the secretary to the address or addresses
19 provided by the program participant is returned as undeliverable; or

20 (4) any information on the application is false.

21 The application form shall notify each applicant of the provisions
22 of this subsection.

23

24 47:4-6. A program participant may request that any State or local
25 agency use the address designated by the secretary as the program
26 participant's address. The agency shall accept the address designated
27 by the secretary as a program participant's address, unless the agency
28 has demonstrated to the satisfaction of the secretary that:

29 (1) the agency has a bona fide statutory basis for requiring the
30 program participant to disclose to it the actual location of the program
31 participant; and

32 (2) the disclosed confidential address of the program participant
33 will be used only for that statutory purpose and will not be disclosed
34 or made available in any way to any other person or agency.

35

36 2. This act shall take effect immediately.

37

38

39

40

41 Establishes "Address Confidentiality Program" for domestic violence
42 victims.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, Nos. 391 and 768

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1997

The Assembly Appropriations Committee reports favorably Senate Bill No. 391/768 Scs.

Senate Nos. 391/768 (Scs) establishes the "Address Confidentiality Program" in the Department of State. The purpose of the program is to assist persons who are victims of domestic violence in establishing and maintaining a confidential address to prevent their assailant from finding them. Under the program, first class mail addressed to a program participant is forwarded to the actual address of the participant by the secretary or a designee. In addition, the substitute bill enables public agencies to respond to requests for public records without disclosing the location of a victim of domestic violence.

Upon the filing of an application and acceptance into the program, the Secretary of State will certify that the applicant is a program participant for a period of up to four years. A participant may reapply for recertification at the end of that time period. Participation in the program permits the applicant to request the use of the designated address as the participant's address by State and local agencies, except where disclosure is mandated by law. The substitute bill permits the secretary to cancel a program participant's certification in certain circumstances. In addition, the current penalty provisions in N.J.S.2C:28-2 will apply if an applicant provides false information on an application.

The program established by the substitute bill is similar to a procedure available in Washington to protect victims of domestic violence. According to the sponsors, a common experience of battered women is that for years after they end an abusive relationship they must avoid their abusers or be in danger. Abusers are so persistent that in some cases it has been dangerous for women to make their addresses public for even the most important reasons. When the danger threatened their right to vote (because registration requires a complete and verified address, and the registration lists are public), New Jersey courts found that the State had to accommodate the victims.

This substitute bill is identical to the ACS for A-1347/2610 as reported by this committee.

FISCAL IMPACT

The Department of State estimated the cost of implementing a similar bill in the prior Legislative session at \$36,000 in the first year following enactment, \$32,500 in the second year and \$33,500 in the third year.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 391

STATE OF NEW JERSEY

DATED: JUNE 3, 1996

The Senate Judiciary Committee reports favorably Senate Bill No. 391.

This bill would establish the "Address Confidentiality Program" in the Department of State. The purpose of the program is to assist persons who are the victims of domestic violence in establishing and maintaining a confidential address to prevent their assailants from finding them. The program will enable public agencies to respond to requests for public records without disclosing the location of victims of domestic violence.

Under the provisions of this bill, upon the filing of an application and acceptance into the program, the Secretary of State is to certify that the applicant is a participant. The certification is to remain valid for a period of three years. Participants may apply for recertification. There is no restriction on the number of recertifications a participant may receive. Participation in the program permits the victims of domestic violence to request the use of a designated address as their address for State and local agencies, except in those instances where disclosure is mandated by law. Under the program, first class mail addressed to a participant would be delivered to the designated address and then forwarded by the Secretary of State, or a designee, to the participant. The participant may arrange to have the Secretary of State receive and forward other kinds and classes of mail.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, Nos. 391 and 768

STATE OF NEW JERSEY

DATED: OCTOBER 28, 1996

The Senate Budget and Appropriations Committee reports favorably the Senate Committee Substitute for Senate Bill Nos. 391 and 768.

The Senate committee substitute establishes the "Address Confidentiality Program" in the Department of State. The purpose of the program is to assist persons who are victims of domestic violence in establishing and maintaining a confidential address to prevent their assailant from finding them. Under the program, first class mail addressed to a program participant is forwarded to the actual address of the participant by the secretary or a designee. In addition, the substitute bill enables public agencies to respond to requests for public records without disclosing the location of a victim of domestic violence.

Upon the filing of an application and acceptance into the program, the Secretary of State will certify that the applicant is a program participant for a period of up to four years. A participant may reapply for recertification at the end of that time period. Participation in the program permits the applicant to request the use of the designated address as the participant's address by State and local agencies, except where disclosure is mandated by law. The substitute bill permits the secretary to cancel a program participant's certification in certain circumstances. In addition, the current penalty provisions in N.J.S.2C:28-2 will apply if an applicant provides false information on an application.

The program established by the substitute bill is similar to a procedure available in Washington to protect victims of domestic violence. According to the sponsors, a common experience of battered women is that for years after they end an abusive relationship they must avoid their abusers or be in danger. Abusers are so persistent that in some cases it has been dangerous for women to make their addresses public for even the most important reasons. When the danger threatened their right to vote (because registration requires a complete and verified address, and the registration lists are public), New Jersey courts found that the State had to accommodate the

victims.

Senate Bill No. 391 (1R) and Senate Bill No. 768 (1R) were very similar in purpose and content; therefore, the committee merged the bills.

FISCAL IMPACT

The Department of State estimated the cost of implementing a similar bill in the prior Legislative session at \$36,000 in the first year following enactment, \$32,500 in the second year and \$33,500 in the third year.

LEGISLATIVE FISCAL ESTIMATE TO
SENATE, No. 391
STATE OF NEW JERSEY

DATED: OCTOBER 23, 1996

Senate Bill No. 391 of 1996 creates the "Address Confidentiality Program" in the Department of State to protect victims of domestic violence. The bill authorizes the Secretary of State to establish and maintain a confidential address for victims of domestic violence to prevent their assailants from finding them. The bill permits the Secretary to arrange to receive first-class mail addressed to the program participant's actual confidential address. The bill also authorizes the Secretary to arrange to receive other kinds and classes of mail at the participant's expense.

The Department of State and the Office of Management and Budget have not submitted an updated fiscal note worksheet on this bill. However, the Department of State estimated the cost of implementing an identical bill in the prior session at \$36,600 in the first year following enactment. This figure is based on the department's estimate that approximately half (2,125) of the 4,250 women served by the Department of Community Affairs (DCA) Domestic Violence Hotline in 1994 would participate in this program. The total number of women estimated to be served by the hotline in FY 1997 is 5,170. That would increase the estimated number of participants in the confidentiality program to 2,585. Included in this estimate are salary and fringe benefit costs of \$24,600 for one clerk typist; \$2,000 for printing; \$5,000 for postage; and \$5,000 for data processing equipment. The department estimates the bill's second and third year costs at \$32,500 and \$33,500, respectively, allowing for a deduction of certain start-up costs and an annual inflation rate of approximately 4 percent.

The Office of Legislative Services (OLS) concurs with this estimate based on the department's assumptions. However, OLS observes that the department's assumption regarding the population to be served by this program may not prove accurate. Information on which to base a more reliable estimate is not readily available.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.