

CHAPTER 175

AN ACT concerning the Address Confidentiality Program and amending R.S.47:4-2 through R.S.47:4-6.

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

1. R.S.47:4-2 is amended to read as follows:

Address confidentiality for certain individuals.

47:4-2. The Legislature finds that persons attempting to escape from actual or threatened domestic violence, stalking, or sexual assault, and reproductive health service patients and providers may establish new addresses to prevent their assailants or other individuals from finding them. The purpose of this act is to enable public agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, stalking, or sexual assault, or reproductive health service patients and providers, to enable interagency cooperation with the Director of the Division on Women in the Department of Children and Families in providing address confidentiality for victims of domestic violence, stalking, and sexual assault, and reproductive health service patients and providers, and to enable public agencies to accept a program participant's use of an address designated by the director as a substitute mailing address.

2. R.S.47:4-3 is amended to read as follows:

Definitions relative to protection of certain qualified persons.

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

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

"Division" means the Division on Women in the Department of Children and Families.

"Director" means the Director of the Division on Women in the Department of Children and Families.

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

"Qualified person" means a reproductive health service patient or provider, a victim of domestic violence, sexual assault, or stalking, or a family member of any such person.

"Program participant" means a qualified person certified by the director as eligible to participate in the Address Confidentiality Program established by this act.

"Reproductive health service provider" means a hospital, clinic, physician's office, or other facility that provides reproductive health services, including an employee, a volunteer, or a contractor of the provider.

"Reproductive health services" means medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

"Sexual assault" means an act of sexual assault as defined in N.J.S.2C:14-2, if the act has been reported to a law enforcement agency or court.

"Stalking" means an act defined in section 1 of P.L.1992, c.209 (C.2C:12-10), if the act has been reported to a law enforcement agency or court.

3. R.S.47:4-4 is amended to read as follows:

“Address Confidentiality Program.”

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

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

(a) that the applicant is a qualified person as defined in this act or the applicant has applied for an order pursuant to P.L.2015, c.147 (C.2C:14-13 et al.); and

(b) that the applicant fears further violent acts from the applicant's assailant or violent acts from other individuals;

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

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

(4) the new address or addresses that the applicant requests not be disclosed because of the increased risk of domestic violence, stalking, sexual assault, or other violence; and

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

b. An application shall be filed with the director.

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

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

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

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

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

4. R.S.47:4-5 is amended to read as follows:

Cancelling of certification.

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

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

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

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

(4) any information on the application is false.

The application form shall notify each applicant of the provisions of this section.

5. R.S.47:4-6 is amended to read as follows:

Use of designated address, exceptions.

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

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

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

6. This act shall take effect on the 60th day following enactment.

Approved July 19, 2019.