S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ERRIGO, ALFANO, BACALLES, BALL, BARRA, CALHOUN, CROUCH, FINCH, KOLB, McKEVITT, MOLINARO, SAYWARD, TOBACCO, TOWNSEND, WALKER -- Multi-Sponsored by -- M. of A. BARCLAY, COLTON, CONTE, DUPREY, GABRYSZAK, GIGLIO, HAWLEY, MAYERSOHN, QUINN, SPANO, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to creating an address confidentiality program to protect the personal identity and location of victims of domestic violence

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 577 to read as follows:

S 577. ADDRESS CONFIDENTIALITY PROGRAM. THERE IS HEREBY ESTABLISHED IN THE OFFICE AN ADDRESS CONFIDENTIALITY PROGRAM TO BE ADMINISTERED BY THE SECRETARY OF STATE IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE OFFICE PURSUANT TO SECTION ONE HUNDRED EIGHT OF THIS CHAPTER.

S 2. The executive law is amended by adding a new section 108 to read as follows:

S 108. ADDRESS CONFIDENTIALITY PROGRAM. 1. THE SECRETARY OF STATE SHALL ADMINISTER THE ADDRESS CONFIDENTIALITY PROGRAM ESTABLISHED PURSUANT TO SECTION FIVE HUNDRED SEVENTY-SEVEN OF THIS CHAPTER.

2. A PERSON EIGHTEEN YEARS OF AGE OR OLDER, A PARENT OR GUARDIAN ACTING ON BEHALF OF A MINOR, OR A GUARDIAN ACTING ON BEHALF OF AN INCAPACITATED PERSON MAY SUBMIT AN APPLICATION TO THE SECRETARY OF STATE TO HAVE AN ADDRESS DESIGNATED BY THE SECRETARY AS THE APPLICANT'S ADDRESS. THE SECRETARY SHALL APPROVE AN APPLICATION IF IT IS FILED IN THE MANNER AND ON THE FORM PRESCRIBED BY THE SECRETARY IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE, AND IF IT CONTAINS:

A. A SWORN STATEMENT BY THE APPLICANT THAT THE APPLICANT HAS GOOD REASON TO BELIEVE:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(I) THAT THE APPLICANT IS A VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW; AND

(II) THAT THE APPLICANT FEARS FURTHER VIOLENT ACTS FROM THE APPLICANT'S ASSAILANT; AND

B. A DESIGNATION OF THE SECRETARY OF STATE AS AGENT FOR THE PURPOSE OF RECEIVING PROCESS AND FOR THE PURPOSE OF RECEIPT OF MAIL; AND

C. THE MAILING ADDRESS WHERE THE APPLICANT CAN BE CONTACTED BY THE SECRETARY OF STATE, AND A TELEPHONE NUMBER WHERE THE APPLICANT CAN BE CALLED; AND

D. THE SIGNATURE OF THE APPLICANT AND ANY PERSON WHO ASSISTED IN THE PREPARATION OF THE APPLICATION, AND THE DATE.

3. UPON APPROVING A COMPLETED APPLICATION, THE SECRETARY OF STATE 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 PRIOR TO THAT DATE. PROGRAM PARTICIPANTS MAY APPLY TO BE RECERTIFIED EVERY FOUR YEARS.

4. PROGRAM PARTICIPANTS MAY USE THE ADDRESS DESIGNATED BY THE SECRETARY OF STATE AS HIS OR HER EMPLOYMENT ADDRESS AND/OR ADDRESS USED FOR THE PURPOSE OF APPLICATION FOR OR RECEIPT OF ANY PUBLIC ASSISTANCE BENEFITS TO WHICH THE PARTICIPANT MAY BE OR MAY BECOME ENTITLED TO RECEIVE.

5. UPON RECEIPT OF FIRST CLASS MAIL ADDRESSED TO A PROGRAM PARTICIPANT, THE SECRETARY OF STATE OR A DESIGNEE SHALL FORWARD THE MAIL TO THE ACTUAL ADDRESS OF THE PARTICIPANT. THE SECRETARY 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 SECRETARY OF STATE AND TO THOSE EMPLOYEES INVOLVED IN THE OPERATION OF THE ADDRESS CONFIDENTIALITY PROGRAM AND TO LAW ENFORCEMENT OFFICERS FOR LAW ENFORCEMENT PURPOSES.

6. THE SECRETARY OF STATE, IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE SHALL PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS SECTION.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.