

# STATE OF NEW YORK

5048--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 27, 2023

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, the judiciary law and the election law, in relation to address confidentiality to federal, state and local court officials and their immediate families

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of section 108 of the executive law,  
2 as separately amended by chapters 222 and 521 of the laws of 2022, is  
3 amended to read as follows:

4 There is created in the office of the secretary of state a program to  
5 be known as the "address confidentiality program" to protect victims of  
6 domestic violence, victims of human trafficking, victims of kidnapping,  
7 victims of a sexual offense, victims of stalking, eligible court offi-  
8 cials or immediate family members of an eligible court official, and  
9 reproductive health care services providers, employees, volunteers,  
10 patients, or immediate family members of reproductive health care  
11 services providers by authorizing the use of designated addresses for  
12 such [~~victims~~] individuals and their minor children. The program shall  
13 be administered by the secretary of state.

14 § 2. Subdivision 1 of section 108 of the executive law is amended by  
15 adding a new paragraph (o) to read as follows:

16 (o) "Eligible court official" and "immediate family member of an  
17 eligible court official" shall have the same meanings ascribed to such  
18 terms by section two hundred sixteen of the judiciary law.

19 § 3. Clauses (A) and (B) of subparagraph (i) of paragraph (a) of  
20 subdivision 2 of section 108 of the executive law, clause (A) as sepa-  
21 rately amended by chapters 222 and 521, and clause (B) as amended by  
22 chapter 222 of the laws of 2022, are amended to read as follows:

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

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1 (A) the applicant, or the minor or incapacitated person on whose  
2 behalf the application is made, is a victim of domestic violence, victim  
3 of human trafficking, victim of kidnapping, victim of a sexual offense,  
4 victim of stalking, eligible court official or immediate family member  
5 of an eligible court official, or a reproductive health care services  
6 provider, employee, volunteer, patient, or an immediate family member of  
7 a reproductive health care services provider;

8 (B) the applicant, or the minor or incapacitated person on whose  
9 behalf the application is made, has left his or her residence because of  
10 such violence or acts, provided, however, this clause shall not apply if  
11 the applicant is a eligible court official, immediate family member of  
12 an eligible court official, or a reproductive health care services  
13 provider, employee, volunteer, patient, or an immediate family member of  
14 a reproductive health care services provider;

15 § 4. Subparagraph (iv) of paragraph (a) of subdivision 2 of section  
16 108 of the executive law, as amended by chapter 222 of the laws of 2022,  
17 is amended to read as follows:

18 (iv) the actual address or addresses that the applicant requests not  
19 be disclosed because of the increased risk of domestic violence, a sexu-  
20 al offense, stalking, physical injury or in the case of [a] an eligible  
21 court official and their immediate family member or a reproductive  
22 health care services provider, employee, volunteer, patient, or an imme-  
23 diate family member of a reproductive health care services provider,  
24 other threats of violence; and

25 § 5. Section 216 of the judiciary law is amended by adding a new  
26 subdivision 7 to read as follows:

27 7. (a) The chief administrator of the courts shall promulgate guidance  
28 in accordance with the provisions of this subdivision regarding the  
29 circumstances under which a court official or immediate family member of  
30 a court official qualify as an "eligible court official" or "immediate  
31 family member of an eligible court official" allowing such individual to  
32 apply for an address confidentiality program under section one hundred  
33 eight of the executive law and/or section 5-508 of the election law.

34 (b) The following court officials shall be included in the guidance  
35 promulgated pursuant to this subdivision:

36 (i) judges and justices presiding in courts within the state or in  
37 federal court;

38 (ii) clerks of such courts;

39 (iii) attorneys serving in or routinely appearing before such courts;

40 (iv) any other court personnel of such courts as determined by the  
41 chief administrator of the courts; and

42 (v) the immediate family members of the individuals described in  
43 subparagraphs (i) through (iv) of this paragraph. For the purposes of  
44 this subdivision "immediate family member" shall mean a current or  
45 former spouse, current or former domestic partner, parent, child, or  
46 sibling, or any other person who regularly resides in the same household  
47 of such court official.

48 (c) A court official or an immediate family member of a court official  
49 shall be considered an "eligible court official" or "immediate family  
50 member of an eligible court official" where such official or their imme-  
51 diate family member:

52 (i) has been subjected to a threat of injury;

53 (ii) has been subjected to conduct that would constitute an offense  
54 involving harassment, stalking, assault, or other similar conduct under  
55 the penal law; or

1 (iii) has cited an identifiable and likely risk of physical injury to  
2 such official or their immediate family member; and  
3 (iv) the circumstances described in subparagraphs (i) through (iii) of  
4 this subdivision were or are directly related, or reasonably believed to  
5 be directly related, to such official's role as a court official.

6 § 6. Subdivision 1 of section 5-508 of the election law is amended by  
7 adding a new paragraph (b) to read as follows:

8 (b) "Eligible court official" and "immediate family member of an  
9 eligible court official" shall have the same meanings ascribed to such  
10 terms by section two hundred sixteen of the judiciary law.

11 § 7. Section 5-508 of the election law is amended by adding a new  
12 subdivision 3 to read as follows:

13 3. (a) An eligible court official or immediate family member of an  
14 eligible court official may deliver to the board of elections, in the  
15 county wherein such individual is registered or intends to be registered  
16 pursuant to this article, in person or by mail, a signed written state-  
17 ment swearing or affirming that such person is an eligible court offi-  
18 cial or immediate family member of an eligible court official.

19 (b) Upon an application made to the board of elections pursuant to  
20 paragraph (a) of this subdivision, the board of elections shall ensure  
21 that any registration record kept or maintained in accordance with this  
22 article and any other records with respect to such eligible court offi-  
23 cial or immediate family member of an eligible court official be kept  
24 separate and apart from other such records and not be made available for  
25 inspection or copying by the public or any other person, except election  
26 officials acting within the scope of their official duties and only as  
27 pertinent and necessary in connection therewith. The confidentiality of  
28 such registration records shall begin upon the board's acceptance of  
29 such sworn statement and continue for four years from such date. A new  
30 application may be made prior to the expiration of such four-year peri-  
31 od.

32 § 8. This act shall take effect on the ninetieth day after it shall  
33 have become a law. Effective immediately, the addition, amendment  
34 and/or repeal of any rule or regulation necessary for the implementation  
35 of this act on its effective date are authorized to be made and  
36 completed on or before such effective date.