

STATE OF NEW YORK

7494

2023-2024 Regular Sessions

IN SENATE

May 31, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

23 (A) the applicant, or the minor or incapacitated person on whose
24 behalf the application is made, is a victim of domestic violence, victim

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

LBD04240-03-3

1 of human trafficking, victim of kidnapping, victim of a sexual offense,
2 victim of stalking, eligible court official or immediate family member
3 of an eligible court official, or a reproductive health care services
4 provider, employee, volunteer, patient, or an immediate family member of
5 a reproductive health care services provider;

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

13 § 4. Subparagraph (iv) of paragraph (a) of subdivision 2 of section
14 108 of the executive law, as amended by chapter 222 of the laws of 2022,
15 is amended to read as follows:

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

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

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

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

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

36 (ii) clerks of such courts;

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

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

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

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

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

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

54 (iii) has cited an identifiable and likely risk of physical injury to
55 such official or their immediate family member; and

1 (iv) the circumstances described in subparagraphs (i) through (iii) of
2 this subdivision were or are directly related, or reasonably believed to
3 be directly related, to such official's role as a court official.

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

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

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

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

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

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