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:

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

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

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

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

§ 3. Clauses (A) and (B) of subparagraph (i) of paragraph (a) of subdivision 2 of section 108 of the executive law, clause (A) as separately amended by chapters 222 and 521, and clause (B) as amended by 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.

LBD04240-02-3

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

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

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

(iv) the actual address or addresses that the applicant requests not be disclosed because of the increased risk of domestic violence, a sexual offense, stalking, physical injury or in the case of [~~a~~] **an eligible court official and their immediate family member or a** reproductive health care services provider, employee, volunteer, patient, or an immediate family member of a reproductive health care services provider, other threats of violence; and

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

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

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

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

(ii) clerks of such courts;

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

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

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

(c) A court official or an immediate family member of a court official shall be considered an "eligible court official" or "immediate family member of an eligible court official" where such official or their immediate family member:

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

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

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

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

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

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

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

3. (a) An eligible court official or immediate family member of an eligible court official may deliver to the board of elections, in the county wherein such individual is registered or intends to be registered pursuant to this article, in person or by mail, a signed written statement swearing or affirming that such person is an eligible court official or immediate family member of an eligible court official.

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

§ 8. This act shall take effect on the ninetieth 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 to be made and completed on or before such effective date.