§ 5-508. Confidentiality of registration records in certain cases. 1. For purposes of this section:

(a) "Victim of domestic violence" means any person who is a victim of a violent felony, as defined in section 70.02 of the penal law, or disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, aggravated harassment in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, assault in the third degree or an attempted assault; and

(i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and

(ii) such act or acts are or are alleged to have been committed by a family or household member.

(b) "Family or household members" mean the following individuals:

(i) persons related by consanguinity or affinity;

(ii) persons legally married to one another;

(iii) persons formerly married to one another regardless of whether they still reside in the same household;

(iv) persons who have a child in common regardless of whether such persons are married or have lived together at any time;

(v) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship".

2. (a) A victim of domestic violence or any person who is a victim of a crime defined in article one hundred thirty of the penal law may deliver to the board of elections, in the county wherein such victim of domestic violence or victim of a crime defined in article one hundred

thirty of the penal law is registered or intends to be registered pursuant to this article, in person or by mail, a signed written statement swearing or affirming:

(i) that such person is the victim of domestic violence or victim of a crime defined in article one hundred thirty of the penal law; and

(ii) that because of the threat of physical or emotional harm to themself or to family or household members, such person wishes for their registration record to be kept confidential.

(b) Upon 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 victim of domestic violence 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 course and 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.

(c) No later than six months prior to the expiration of such confidentiality of registration records provided to a victim of domestic violence, the board of elections shall provide the victim of domestic violence with notice by mail of the date of expiration of such confidentiality and information on the process to make a new application for confidentiality of such records.