

ENGROSSED HOUSE  
BILL NO. 2921

By: Morgan, Adkins, Coleman,  
Dank, DeWitt, Ericson,  
Friskup, Nance, Peters,  
Peterson, Roan, Smaligo,  
Steele, Tibbs, Walker and  
Winchester of the House

and

Pruitt of the Senate

An Act relating to criminal procedure; stating legislative findings; defining terms; authorizing address confidentiality program for victims of domestic abuse, sexual assault or stalking; establishing application process; authorizing Secretary of State to cancel certification under certain circumstances; authorizing request to state and local agencies to use confidential address; prohibiting disclosure of records; stating exceptions; authorizing Secretary of State to designate counseling and shelter services to program participants; providing for promulgation of rules; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 60.13 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The Legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this section is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic abuse, sexual assault, or stalking, to enable interagency cooperation with the Secretary of State in providing address confidentiality for victims of domestic abuse, sexual

assault, or stalking, and to enable state and local agencies to accept an address designated by the Secretary of State by a program participant as a substitute mailing address.

B. As used in this section:

1. "Address" means a residential street address, school address, or work address of an individual, as specified on the application of an individual to be a program participant under this section;

2. "Program participant" means a person certified as a program participant under this section;

3. "Domestic abuse" means an act as defined in Section 60.1 of this title and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers; and

4. "Stalking" means an act as defined in Section 60.1 of this title regardless of whether the acts have been reported to law enforcement.

C. 1. On and after January 1, 2003, an adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined by Section 1-111 of Title 30 of the Oklahoma Statutes, may apply to the Secretary of State to have an address designated by the Secretary of State serve as the address of the person or the address of the minor or incapacitated person. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains:

a. a sworn statement by the applicant that the applicant has good reason to believe:

(1) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic abuse, sexual assault, or stalking, and

- (2) that the applicant fears for the safety of self or children, or the safety of the minor or incapacitated person on whose behalf the application is made,
  - b. a designation of the Secretary of State as agent for purposes of service of process and for the purpose of receipt of mail,
  - c. the mailing address where the applicant can be contacted by the Secretary of State, and the phone number or numbers where the applicant can be called by the Secretary of State,
  - d. the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic abuse, sexual assault, or stalking, and
  - e. the signature of the applicant and of a representative of any office designated a referring agency under subsection G of this section who assisted in the preparation of the application, and the date on which the applicant signed the application.

2. Applications shall be filed with the Office of the Secretary of State.

3. Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Applicants shall be certified for four (4) years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State shall by rule establish a renewal procedure.

4. A person who falsely attests in an application that disclosure of the address of the applicant would endanger the safety of the applicant or the safety of the children of the applicant or the minor or incapacitated person on whose behalf the application is

made, or who knowingly provides false or incorrect information upon making an application, may be found guilty of perjury under Sections 500 and 504 of Title 21 of the Oklahoma Statutes.

D. 1. If the program participant obtains a name change, the participant loses certification as a program participant.

2. The Secretary of State may cancel the certification of a program participant if there is a change in the residential address from the one listed on the application, unless the program participant provides the Secretary of State with seven (7) days' prior notice of the change of address.

3. The Secretary of State may cancel certification of a program participant if mail forwarded by the Secretary of State to the address of the program participant is returned as nondeliverable.

4. The Secretary of State shall cancel certification of a program participant who applies using false information.

E. 1. A program participant may request that state and local agencies use the address designated by the Secretary of State as the address of the participant. When creating a new public record, state and local agencies shall accept the address designated by the Secretary of State as a substitute address for the program participant, unless the Secretary of State has determined that:

- a. the agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this section, and
- b. this address will be used only for those statutory and administrative purposes.

2. A program participant may use the address designated by the Secretary of State as a work address.

3. The Office of the Secretary of State shall forward all first class mail to the appropriate program participants.

F. The Secretary of State may not make any records in a file of a program participant available for inspection or copying, other

than the address designated by the Secretary of State, except under the following circumstances:

1. If directed by a court order, to a person identified in the order; or

2. To verify the participation of a specific program participant, in which case the Secretary of State may only confirm information supplied by the requester.

G. The Secretary of State shall designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic abuse, sexual assault, or stalking to assist persons applying to be program participants. Any assistance and counseling rendered by the Office of the Secretary of State or its designees to applicants shall in no way be construed as legal advice.

H. The Secretary of State shall promulgate rules to implement this program.

SECTION 2. This act shall become effective November 1, 2002.

Passed the House of Representatives the 13th day of February, 2002.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2002.

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Presiding Officer of the Senate