

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE
5 BILL NO. 1569

By: Weaver of the Senate

and

Boatman of the House

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9 An Act relating to the Protection from Domestic Abuse
10 Act; creating the Address Confidentiality for Child
11 Survivors and Their Families Act; providing short
12 title; amending 22 O.S. 2021, Section 60.14, which
13 relates to the Address Confidentiality Program;
14 adding human trafficking and child abduction to
15 certain address confidentiality program; updating
16 statutory language; providing for noncodification;
17 and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 This act shall be known as the "Address Confidentiality for
22 Child Survivors and Their Families Act".

23 SECTION 2. AMENDATORY 22 O.S. 2021, Section 60.14, is
24 amended to read as follows:

25 Section 60.14. A. The Legislature finds that persons
26 attempting to escape from actual or threatened domestic violence,
27 sexual assault, ~~or~~ stalking, human trafficking, or child abduction,

1 frequently establish new addresses in order to prevent their
2 assailants or probable assailants from finding them. The purpose of
3 this section is to enable state and local agencies to respond to
4 requests for public records without disclosing the location of a
5 victim of domestic abuse, sexual assault, ~~or~~ stalking, human
6 trafficking, or child abduction, to enable interagency cooperation
7 with the Attorney General in providing address confidentiality for
8 victims of domestic abuse, sexual assault, ~~or~~ stalking, human
9 trafficking, or child abduction, and to enable state and local
10 agencies to accept an address designated by the Attorney General by
11 a program participant as a substitute mailing address.

12 B. As used in this section:

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

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

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

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

4 5. "Human trafficking" means human trafficking, human
5 trafficking for labor, and human trafficking for commercial sex as
6 defined in paragraphs 4 through 6 of subsection A of Section 748 of
7 Title 21 of the Oklahoma Statutes; and

8 6. "Child abduction" means the abduction of a person pursuant
9 to Section 1119 of Title 21 of the Oklahoma Statutes.

10 C. The Address Confidentiality Program shall be staffed by
11 unclassified employees, who have been subjected to a criminal
12 history records search.

13 D. 1. An adult person, a parent or guardian acting on behalf
14 of a minor, or a guardian acting on behalf of an incapacitated
15 person, as defined by Section 1-111 of Title 30 of the Oklahoma
16 Statutes, may apply to the Attorney General to have an address
17 designated by the Attorney General serve as the address of the
18 person or the address of the minor or incapacitated person. The
19 Attorney General shall approve an application if it is filed in the
20 manner and on the form prescribed by the Attorney General and if it
21 contains:

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

1 (1) that the applicant, or the minor or incapacitated
2 person on whose behalf the application is made,
3 is a victim of domestic abuse, sexual assault, ~~or~~
4 stalking, human trafficking, or child abduction,
5 and

6 (2) that the applicant fears for the safety of self
7 or children, or the safety of the minor or
8 incapacitated person on whose behalf the
9 application is made,

10 b. a designation of the Attorney General as agent for
11 purposes of service of process and for the purpose of
12 receipt of mail,

13 c. the mailing address where the applicant can be
14 contacted by the Attorney General, and the phone
15 number or numbers where the applicant can be called by
16 the Attorney General,

17 d. the new address or addresses that the applicant
18 requests not be disclosed for the reason that
19 disclosure will increase the risk of domestic abuse,
20 sexual assault, ~~or~~ stalking, human trafficking, or
21 child abduction, and

22 e. the signature of the applicant and application
23 assistant who assisted in the preparation of the
24

1 application, and the date on which the applicant
2 signed the application.

3 2. An adult or minor child who resides with the applicant who
4 also needs to be a program participant in order to ensure the safety
5 of the applicant may apply. Each adult living in the household must
6 complete a separate application. An adult may apply on behalf of a
7 minor.

8 3. Applications shall be filed with the Office of the Attorney
9 General.

10 4. Upon filing a properly completed application, the Attorney
11 General shall certify the applicant as a program participant.
12 Applicants shall be certified for four (4) years following the date
13 of filing unless the certification is withdrawn or invalidated
14 before that date. The Attorney General shall by rule establish a
15 renewal procedure.

16 5. A person who falsely attests in an application that
17 disclosure of the address of the applicant would endanger the safety
18 of the applicant or the safety of the children of the applicant or
19 the minor or incapacitated person on whose behalf the application is
20 made, or who knowingly provides false or incorrect information upon
21 making an application, may be found guilty of perjury under Sections
22 500 and 504 of Title 21 of the Oklahoma Statutes.

23 E. 1. If the program participant obtains a name change, the
24 participant loses certification as a program participant.

1 2. The Attorney General may cancel the certification of a
2 program participant if there is a change in the residential address,
3 unless the program participant provides the Attorney General notice
4 no later than seven (7) days after the change occurs.

5 3. The Attorney General may cancel certification of a program
6 participant if mail forwarded by the Attorney General to the address
7 of the program participant is returned as nondeliverable.

8 4. The Attorney General shall cancel certification of a program
9 participant who applies using false information.

10 F. 1. A program participant may request that state and local
11 agencies use the address designated by the Attorney General as the
12 address of the participant. When creating a new public record,
13 state and local agencies shall accept the address designated by the
14 Attorney General as a substitute address for the program
15 participant, unless the Attorney General has determined that:

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

21 2. A program participant may use the address designated by the
22 Attorney General as a work address.

23 3. The Office of the Attorney General shall forward all first
24 class, certified and registered mail to the appropriate program

1 participants for no charge. The Attorney General shall not be
2 required to track or otherwise maintain records of any mail received
3 on behalf of a participant unless the mail is certified or
4 registered mail.

5 G. The Attorney General may not make any records in a file of a
6 program participant available for inspection or copying, other than
7 the address designated by the Attorney General, except under the
8 following circumstances:

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

11 2. To verify the participation of a specific program
12 participant to a state or local agency, in which case the Attorney
13 General may only confirm information supplied by the requester.
14 No employee of a state or local agency shall knowingly and
15 intentionally disclose a program participant's actual address unless
16 disclosure is permitted by law.

17 H. The Attorney General shall designate state and local
18 agencies, federal government, federally recognized tribes, and
19 nonprofit agencies to assist persons in applying to be program
20 participants. A volunteer or employee of a designated entity that
21 provides counseling, referral, shelter, or other services to victims
22 of domestic abuse, sexual assault, ~~or~~ stalking, human trafficking,
23 or child abduction, and has been trained by the Attorney General
24 shall be known as an application assistant. Any assistance and

1 counseling rendered by the Office of the Attorney General or an
2 application assistant to applicants shall in no way be construed as
3 legal advice.

4 I. The Attorney General may enter into agreements with the
5 federal government and federally recognized tribes in ~~the State of~~
6 ~~Oklahoma~~ this state or other entities for purposes of the
7 implementation of the Address Confidentiality Program, including the
8 use and acceptance of the substitute address designated by the
9 Attorney General.

10 J. Effective July 1, 2008, all administrative rules promulgated
11 by the Office of the Secretary of State to implement this program
12 shall be transferred to and become part of the administrative rules
13 of the Office of the Attorney General. The Office of Administrative
14 Rules in the Office of the Secretary of State shall provide adequate
15 notice in "The Oklahoma Register" of the transfer of such rules, and
16 shall place the transferred rules under the Administrative Code
17 section of the Attorney General. Such rules shall continue in force
18 and effect as rules of the Office of the Attorney General from and
19 after July 1, 2008, and any amendment, repeal or addition to the
20 transferred rules shall be under the jurisdiction of the Attorney
21 General. The Attorney General shall adopt and promulgate rules to
22 implement this program, as applicable.

23 K. Beginning July 1, 2008, the Director of the Address
24 Confidentiality Program shall cease to be a position within the

1 Office of the Secretary of State. All unexpended funds, property,
2 records, personnel, and outstanding financial obligations and
3 encumbrances related to the position and the Office of Address
4 Confidentiality Program with the Office of the Secretary of State
5 shall be transferred to the Office of the Attorney General. All
6 personnel shall retain their employment position and status as
7 unclassified employees, any leave, sick and annual time earned, and
8 any retirement and longevity benefits which have accrued during
9 tenure with the Office of the Secretary of State.

10 SECTION 3. This act shall become effective November 1, 2022.

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12 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
13 SERVICES, dated 04/05/2022 - DO PASS.
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