

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1569

By: Weaver

AS INTRODUCED

An Act relating to the Protection from Domestic Abuse Act; creating the Address Confidentiality for Child Survivors and Their Families Act; providing short title; amending 22 O.S. 2021, Section 60.14, which relates to the Address Confidentiality Program; adding human trafficking and child abduction to certain address confidentiality program; providing for non-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 not to be codified in the Oklahoma Statutes reads as follows:

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

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

Section 60.14. A. The Legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, ~~or~~ stalking, human trafficking, or child abduction, frequently establish new addresses in order to prevent their

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

11 B. As used in this section:

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

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

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

22 4. "Stalking" means an act as defined in Section 60.1 of this
23 title regardless of whether the acts have been reported to law
24 enforcement;
25

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

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

7 C. The Address Confidentiality Program shall be staffed by
8 unclassified employees, who have been subjected to a criminal
9 history records search.

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

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

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

1 stalking, human trafficking, or child abduction,
2 and

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

7 b. a designation of the Attorney General as agent for
8 purposes of service of process and for the purpose of
9 receipt of mail,

10 c. the mailing address where the applicant can be
11 contacted by the Attorney General, and the phone
12 number or numbers where the applicant can be called by
13 the Attorney General,

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

19 e. the signature of the applicant and application
20 assistant who assisted in the preparation of the
21 application, and the date on which the applicant
22 signed the application.

23 2. An adult or minor child who resides with the applicant who
24 also needs to be a program participant in order to ensure the safety

1 of the applicant may apply. Each adult living in the household must
2 complete a separate application. An adult may apply on behalf of a
3 minor.

4 3. Applications shall be filed with the Office of the Attorney
5 General.

6 4. Upon filing a properly completed application, the Attorney
7 General shall certify the applicant as a program participant.

8 Applicants shall be certified for four (4) years following the date
9 of filing unless the certification is withdrawn or invalidated
10 before that date. The Attorney General shall by rule establish a
11 renewal procedure.

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

19 E. 1. If the program participant obtains a name change, the
20 participant loses certification as a program participant.

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

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

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

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

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

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

19 3. The Office of the Attorney General shall forward all first
20 class, certified and registered mail to the appropriate program
21 participants for no charge. The Attorney General shall not be
22 required to track or otherwise maintain records of any mail received
23 on behalf of a participant unless the mail is certified or
24 registered mail.

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

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

7 2. To verify the participation of a specific program
8 participant to a state or local agency, in which case the Attorney
9 General may only confirm information supplied by the requester.

10 No employee of a state or local agency shall knowingly and
11 intentionally disclose a program participant's actual address unless
12 disclosure is permitted by law.

13 H. The Attorney General shall designate state and local
14 agencies, federal government, federally recognized tribes, and
15 nonprofit agencies to assist persons in applying to be program
16 participants. A volunteer or employee of a designated entity that
17 provides counseling, referral, shelter, or other services to victims
18 of domestic abuse, sexual assault, ~~or~~ stalking, human trafficking,
19 or child abduction, and has been trained by the Attorney General
20 shall be known as an application assistant. Any assistance and
21 counseling rendered by the Office of the Attorney General or an
22 application assistant to applicants shall in no way be construed as
23 legal advice.
24

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

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

20 K. Beginning July 1, 2008, the Director of the Address
21 Confidentiality Program shall cease to be a position within the
22 Office of the Secretary of State. All unexpended funds, property,
23 records, personnel, and outstanding financial obligations and
24 encumbrances related to the position and the Office of Address

1 Confidentiality Program with the Office of the Secretary of State
2 shall be transferred to the Office of the Attorney General. All
3 personnel shall retain their employment position and status as
4 unclassified employees, any leave, sick and annual time earned, and
5 any retirement and longevity benefits which have accrued during
6 tenure with the Office of the Secretary of State.

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