

HOUSE BILL 1128

By Farmer

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 38, Part 6, relative to the safe at home
address confidentiality program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-38-601(12), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 40-38-601(16), is amended by deleting the subdivision and substituting the following:

"Program participant" or "participant" means a person who is certified by the secretary of state as a program participant and who is an applicant, co-applicant, the child of an applicant or co-applicant, or a person with a disability for whom an applicant or co-applicant serves as a fiduciary;

SECTION 3. Tennessee Code Annotated, Section 40-38-601, is amended by adding the following as new subdivisions:

"Applicant" means the person who applies to be a program participant and who is or has been a victim of domestic abuse, stalking, human trafficking, rape, sexual battery, or another sexual offense;

"Co-applicant" means the spouse, parent, or fiduciary of the applicant who lives in the same residence as the applicant at the time the application is made and who resides in the same residence with the applicant while the applicant is a program participant;

SECTION 4. Tennessee Code Annotated, Section 40-38-602(a), is amended by deleting the subsection and substituting the following:

(a) The secretary of state shall establish a crime victim address confidentiality program, which must be open to applicants who are victims of domestic abuse, stalking, human trafficking, rape, sexual battery, or another sexual offense, as well as co-applicants, the children of an applicant or co-applicant living at the same address as the applicant or co-applicant, and persons with disabilities for whom an applicant or co-applicant serves as a fiduciary and are living at the same address as the applicant or co-applicant if those persons satisfy the requirements of this part, at no cost to the program participant.

SECTION 5. Tennessee Code Annotated, Section 40-38-602(b), is amended by deleting the language "and the participant's minor children".

SECTION 6. Tennessee Code Annotated, Section 40-38-602(c), is amended by deleting the language ", or the program participant's minor child, or a person with a disability on whose behalf the person is applying,".

SECTION 7. Tennessee Code Annotated, Section 40-38-604(b)(6)(B), is amended by adding the following before the semicolon at the end of the subdivision:

, unless the secretary of state determines that the program participant is currently residing at a shelter, as defined in § 71-6-202, or a similar facility

SECTION 8. Tennessee Code Annotated, Section 40-38-604, is amended by adding the following as a new subsection:

(d) Except for a person described in § 40-38-603, a co-applicant may apply to the secretary of state with the assistance of an application assistant to use the same substitute address as an applicant with whom the co-applicant resides. The co-applicant's application must contain the following information:

(1) The name of the applicant with whom the co-applicant is applying for the substitute address;

(2) The relationship of the co-applicant to the applicant, such as spouse, parent, or fiduciary;

(3) The mailing address and telephone number at which the secretary of state may contact the co-applicant;

(4) The address of the co-applicant and applicant's residence, school, institution of higher education, business, or place of employment that the applicant and co-applicant request not to be disclosed for the reason that disclosure will increase the risk that the applicant, or the child or person with a disability on whose behalf the application is made, will be threatened or physically harmed by another person;

(5) Documentary evidence of the co-applicant's relationship with the applicant in the form and manner prescribed by rule by the secretary of state;

(6) A sworn statement by the co-applicant that disclosure of the confidential address or addresses would endanger the safety of the applicant, or the child or person with a disability on whose behalf the application is made;

(7)

(A) Documentary evidence, in the form and manner prescribed by rule by the secretary of state, that the co-applicant has moved with the applicant, or the child of the applicant or the person with a disability for whom the applicant serves as a fiduciary, to a new residence unknown to the offender within the previous thirty (30) calendar days; or

(B) A sworn statement by the co-applicant that the co-applicant intends to move with the applicant, or the child of the applicant or the person with a disability for whom the applicant serves as a fiduciary, to a new address unknown to the offender within the following ninety (90)

calendar days. If the co-applicant or the applicant does not move to the same new residence address within the following ninety (90) calendar days or fails to provide documentary evidence of the new residence address to the secretary of state within this time frame, in the manner and rule provided by the secretary of state, then the co-applicant's program participation must be cancelled, unless the secretary of state determines that the co-applicant is currently residing at a shelter, as defined in § 71-6-202, or a similar facility, with the applicant, the child of the applicant, or the person with a disability for whom the applicant serves as a fiduciary;

(8) A voter registration form to be completed if the co-applicant is eligible to vote and wishes to register to vote or update a current voter registration application;

(9) A sworn statement that the co-applicant understands all of the following:

(A) That during the time the co-applicant chooses to have a confidential voter registration record, the co-applicant may only vote by absentee ballot;

(B) That the co-applicant may provide a program participant identification number instead of the residence address on an application for an absentee ballot or on an absentee voter's ballot identification envelope statement of voter with the co-applicant's signature; and

(C) That casting any ballot in person will reveal the co-applicant's precinct and residence address to precinct election officials and employees of the county election commission and may reveal the co-applicant's precinct or residence address to members of the public;

(10) A knowing and voluntary designation of the secretary of state as the agent for the purposes of receiving service of process and the receipt of the mail;

(11) A knowing and voluntary release and waiver of all future claims against the state for any claim that may arise from participation in the address confidentiality program, except for a claim based on the performance or nonperformance of a public duty that was manifestly outside the scope of the officer's or employee's office or employment in which the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner;

(12) The notarized signature of the co-applicant, the name and notarized signature of the application assistant who assisted the co-applicant, and the date on which the co-applicant and application assistant signed the application; and

(13) If, at the time of application, the co-applicant, or the child of the co-applicant or the person with a disability for whom the co-applicant serves as a fiduciary, is subject to a court order or is involved in court action related to the dissolution of marriage proceedings, child support, or the allocation of parental responsibilities or parenting time, the name of the court, contact information for the court, and the case number associated with those proceedings.

SECTION 9. Tennessee Code Annotated, Section 40-38-604(c)(1), is amended by deleting "applicant" and substituting "applicant, co-applicant,".

SECTION 10. Tennessee Code Annotated Section 40-38-608(a), is amended by adding the following as new subdivisions:

(8) The program participant, who applied to participate in the program as a co-applicant, no longer has a legal spousal, parental, or fiduciary relationship that would qualify them to participate in the program as a co-applicant;

(9) The program participant, who applied to participate in the program as a co-applicant, no longer resides at the same residence as the applicant with whom the co-applicant applied;

SECTION 11. This act takes effect upon becoming a law, the public welfare requiring it.