

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 280

FINAL READING

Introduced by Crawford, 45; Blood, 3; Craighead, 6; Krist, 10; Morfeld, 46; Pansing Brooks, 28; McCollister, 20.

Read first time January 11, 2017

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Address Confidentiality Act; to amend
2 sections 42-1203, 42-1204, 42-1209, and 84-907.03, Reissue Revised
3 Statutes of Nebraska, and section 9-531, Uniform Commercial Code,
4 Revised Statutes Cumulative Supplement, 2016; to define a term; to
5 change eligibility for program participation; to change powers and
6 duties; to change provisions relating to certain funds; to harmonize
7 provisions; to repeal the original sections; and to declare an
8 emergency.
- 9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-1203, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 42-1203 For purposes of the Address Confidentiality Act:

4 (1) Abuse means causing or attempting to cause physical harm,
5 placing another person in fear of physical harm, or causing another
6 person to engage involuntarily in sexual activity by force, threat of
7 force, or duress, when committed by (a) a person against his or her
8 spouse, (b) a person against his or her former spouse, (c) a person
9 residing with the victim if such person and the victim are or were in a
10 dating relationship, (d) a person who formerly resided with the victim if
11 such person and the victim are or were in a dating relationship, (e) a
12 person against a parent of his or her children, whether or not such
13 person and the victim have been married or resided together at any time,
14 (f) a person against a person with whom he or she is in a dating
15 relationship, (g) a person against a person with whom he or she formerly
16 was in a dating relationship, or (h) a person related to the victim by
17 consanguinity or affinity;

18 (2) Address means a residential street address, school address, or
19 work address of an individual as specified on the individual's
20 application to be a program participant;

21 (3) Dating relationship means an intimate or sexual relationship;

22 (4) Program participant means a person certified as a program
23 participant under section 42-1204;

24 (5) Sexual assault has the same meaning as in section 28-319,
25 28-319.01, 28-320, 28-320.01, or 28-386;~~and~~

26 (6) Stalking has the same meaning as in sections 28-311.02 to
27 28-311.05; and ~~-~~

28 (7) Trafficking victim has the same meaning as in section 28-830.

29 Sec. 2. Section 42-1204, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 42-1204 (1) An adult, a parent or guardian acting on behalf of a

1 minor, or a guardian acting on behalf of an incapacitated person as
2 defined in section 30-2601 may apply to the Secretary of State to have an
3 address designated by the Secretary of State serve as the substitute
4 address of such adult, minor, or incapacitated person. The Secretary of
5 State shall approve an application if it is filed in the manner and on
6 the form prescribed by the Secretary of State and if it contains:

7 (a) A sworn statement by the applicant that the applicant has good
8 reason to believe (i) that the applicant, or the minor or incapacitated
9 person on whose behalf the application is made, is a victim of abuse,
10 sexual assault, or stalking or is a trafficking victim and (ii) that the
11 applicant fears for his or her safety, his or her children's safety, or
12 the safety of the minor or incapacitated person on whose behalf the
13 application is made;

14 (b) A designation of the Secretary of State as agent for purposes of
15 service of process and receipt of mail;

16 (c) The mailing address and the telephone number or numbers where
17 the applicant can be contacted by the Secretary of State;

18 (d) The new address or addresses that the applicant requests not be
19 disclosed for the reason that disclosure will increase the risk of abuse,
20 sexual assault, ~~or~~ stalking, or trafficking; and

21 (e) The signature of the applicant and of any individual or
22 representative of any office designated in writing under section 42-1209
23 who assisted in the preparation of the application and the date on which
24 the applicant signed the application.

25 (2) Applications shall be filed in the office of the Secretary of
26 State.

27 (3) Upon filing a properly completed application, the Secretary of
28 State shall certify the applicant as a program participant. Such
29 certification shall be valid for four years following the date of filing
30 unless the certification is withdrawn or invalidated before that date.
31 The Secretary of State may by rule and regulation establish a renewal

1 procedure.

2 (4) A person who falsely attests in an application that disclosure
3 of the applicant's address would endanger the applicant, the applicant's
4 children, or the minor or incapacitated person on whose behalf the
5 application is made, or who knowingly provides false or incorrect
6 information upon making an application, is guilty of a Class II
7 misdemeanor.

8 Sec. 3. Section 42-1209, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 42-1209 The Secretary of State shall designate state and local
11 agencies and nonprofit entities that provide counseling and shelter
12 services to victims of abuse, sexual assault, or stalking or trafficking
13 victims to assist persons applying to be program participants. Any
14 assistance or counseling rendered by the office of the Secretary of State
15 or its designees to such applicants shall not be deemed legal advice or
16 the practice of law.

17 Sec. 4. Section 84-907.03, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 84-907.03 There is hereby created the Secretary of State
20 Administration Cash Fund. The fund shall consist of revenue received to
21 defray costs as authorized in sections 25-3308 and 84-901 to 84-908. The
22 revenue shall be collected by the Secretary of State and remitted to the
23 State Treasurer for credit to the fund. The fund shall be used to (1)
24 offset expenses incurred as a result of sections 84-901 to 84-908, (2)
25 ~~administer the Address Confidentiality Act,~~ (3) administer the Nebraska
26 Uniform Athlete Agents Act, and (3) (4) administer the Nonrecourse Civil
27 Litigation Act.

28 Any money in the fund available for investment shall be invested by
29 the state investment officer pursuant to the Nebraska Capital Expansion
30 Act and the Nebraska State Funds Investment Act.

31 Sec. 5. Section 9-531, Uniform Commercial Code, Revised Statutes

1 Cumulative Supplement, 2016, is amended to read:

2 9-531 Uniform Commercial Code Cash Fund; created; use; Secretary of
3 State; duties; fees.

4 (a) There is created the Uniform Commercial Code Cash Fund. Except
5 as otherwise specifically provided, all funds received pursuant to this
6 part and sections 52-1312, 52-1313, 52-1316, and 52-1602, Reissue Revised
7 Statutes of Nebraska, shall be placed in the fund and used by the
8 Secretary of State to carry out this part, the Address Confidentiality
9 Act, sections 52-1301 to 52-1322, Reissue Revised Statutes of Nebraska,
10 and sections 52-1601 to 52-1605, Reissue Revised Statutes of Nebraska,
11 except that transfers from the Uniform Commercial Code Cash Fund to the
12 General Fund, the Election Administration Fund, and the Records
13 Management Cash Fund may be made at the direction of the Legislature.

14 (b)(1) The Secretary of State shall furnish each county clerk with
15 computer terminal hardware, including a printer, compatible with the
16 centralized computer system implemented and maintained pursuant to
17 section 9-529, for inquiries and searches of information in such
18 centralized computer system. The terminals shall be readily and
19 reasonably available and accessible to members of the public for such
20 inquiries and searches.

21 (2) The fees charged by county clerks for inquiries and other
22 services regarding information in the centralized computer system shall
23 be the same as set forth for filing offices in this part.

24 Sec. 6. Original sections 42-1203, 42-1204, 42-1209, and 84-907.03,
25 Reissue Revised Statutes of Nebraska, and section 9-531, Uniform
26 Commercial Code, Revised Statutes Cumulative Supplement, 2016, are
27 repealed.

28 Sec. 7. Since an emergency exists, this act takes effect when
29 passed and approved according to law.