

LEGISLATIVE BILL 691

Approved by the Governor April 18, 2022

Introduced by Blood, 3; Wayne, 13.

A BILL FOR AN ACT relating to the Address Confidentiality Act; to amend section 42-1202, Reissue Revised Statutes of Nebraska, and sections 42-1203, 42-1204, and 42-1209, Revised Statutes Cumulative Supplement, 2020; to provide enrollment eligibility to kidnapping survivors; to define a term; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 42-1202, Reissue Revised Statutes of Nebraska, is amended to read:

42-1202 The Legislature finds that persons attempting to escape from actual or threatened abuse, sexual assault, kidnapping, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purposes of the Address Confidentiality Act are to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of abuse, sexual assault, kidnapping, or stalking, to enable interagency cooperation with the office of the Secretary of State in providing address confidentiality for victims of abuse, sexual assault, kidnapping, or stalking, and to enable state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

Sec. 2. Section 42-1203, Revised Statutes Cumulative Supplement, 2020, is amended to read:

42-1203 For purposes of the Address Confidentiality Act:

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

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

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

(4) Kidnapping has the same meaning as in section 28-313;

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

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

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

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

Sec. 3. Section 42-1204, Revised Statutes Cumulative Supplement, 2020, is amended to read:

42-1204 (1) An adult, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person as defined in section 30-2601 may apply to the Secretary of State to have an address designated by the Secretary of State serve as the substitute address of such adult, 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 (i) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of abuse, sexual assault, kidnapping, or stalking, or ~~is a trafficking victim~~ and (ii) that the applicant fears for his or her safety, his or her children's safety, 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 receipt of mail;

(c) The mailing address and the telephone number or numbers where the applicant can be contacted 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 abuse, sexual assault, kidnapping, stalking, or trafficking; and

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

application.

(2) Applications shall be filed in 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. Such certification shall be valid for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State may by rule and regulation establish a renewal procedure.

(4) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant, the applicant's children, 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, is guilty of a Class II misdemeanor.

Sec. 4. Section 42-1209, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

Sec. 5. Original section 42-1202, Reissue Revised Statutes of Nebraska, and sections 42-1203, 42-1204, and 42-1209, Revised Statutes Cumulative Supplement, 2020, are repealed.