

SENATE BILL No. 348

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11-4-6; IC 5-26.5; IC 34-30-2-16.5.

Synopsis: Address confidentiality program. Removes the requirement that an address confidentiality program participant live in Indiana. Allows an emancipated minor to participate in the program. Provides that victims of sexual assault and stalking may participate in the program. Allows participants who obtain a name change to continue participating in the program but requires the participants to provide documentation of the name change to the office of the attorney general. Prohibits the disclosure other than by the office of attorney general of a participant's identifying information to a law enforcement officer. Repeals provisions relating to renewal of program participation following termination of a protective order. Repeals a requirement that a program participant provide a copy of a renewed protective order to continue program participation. Repeals a requirement that the office of attorney general revoke the certification of a program participant who obtains a name change.

Effective: July 1, 2002.

Simpson, Kenley

January 8, 2002, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

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SENATE BILL No. 348



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-11-4-6, AS AMENDED BY P.L.273-2001,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2002]: Sec. 6. (a) This section applies, notwithstanding any
- 4 other provision of this title, to absentee ballot applications for:
 - 5 (1) an absent uniformed services voter (as defined in 42 U.S.C.
 - 6 1973ff-6(1)); and
 - 7 (2) an address confidentiality program participant (as defined in
 - 8 IC 5-26.5-1-6).
- 9 (b) A county election board shall make blank absentee ballot
- 10 applications available for persons covered by this section after
- 11 November 20 preceding the election to which the application applies.
- 12 Except as provided in subsection (c), the person may apply for an
- 13 absentee ballot at any time after the applications are made available.
- 14 (c) A person covered by this section may apply for an absentee
- 15 ballot for the next scheduled primary, general, or special election at any
- 16 time by filing a standard form approved under 42 U.S.C. 1973ff-(b).
- 17 (d) If the county election board receives an absentee ballot



1 application from a person described by this section, the circuit court
 2 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
 3 3406, all ballots for the election immediately upon receipt of the ballots
 4 under sections 13 and 15 of this chapter.

5 (e) Whenever an absent uniformed services voter or an address
 6 confidentiality program participant (as defined in IC 5-26.5-1-6) files
 7 an application for a primary election absentee ballot and indicates on
 8 the application that:

9 (1) the voter is an absent uniformed services voter and does not
 10 expect to be in the county on general election day and on the date
 11 of any special election conducted during the twelve (12) months
 12 following the date of the application; or

13 (2) the voter is an address confidentiality program participant;
 14 the application is an adequate application for a general election
 15 absentee ballot under this chapter and an absentee ballot for a special
 16 election conducted during the twelve (12) months following the date of
 17 the application. The circuit court clerk and county election board shall
 18 process this application and mail general election and special election
 19 absentee ballots to the voter in the same manner as other general
 20 election and special election absentee ballot applications and ballots
 21 are processed and mailed under this chapter.

22 (f) The name, address, telephone number, and any other identifying
 23 information relating to a program participant (as defined in
 24 IC 5-26.5-1-6) in the address confidentiality program, as contained in
 25 a voting registration record, is declared confidential for purposes of
 26 IC 5-14-3-4(a)(1). The county voter registration office may not disclose
 27 for public inspection or copying a name, an address, a telephone
 28 number, or any other information described in this subsection, as
 29 contained in a voting registration record, except as follows:

30 ~~(1) To a law enforcement agency, upon request.~~

31 ~~(2) As directed by a court order.~~

32 (g) This subsection applies to a county election board that owns or
 33 has access to a facsimile (FAX) machine. The county election board
 34 may transmit and receive absentee ballots by FAX machine to voters
 35 covered under the Uniformed and Overseas Absentee Voting Act (42
 36 U.S.C. 1973ff) under the following circumstances:

37 (1) If an emergency is declared by the President of the United
 38 States, the Congress of the United States, or the presidential
 39 designee under the Uniformed and Overseas Absentee Voting Act
 40 (42 U.S.C. 1973ff).

41 (2) If otherwise mandated to do so under federal law.

42 SECTION 2. IC 5-26.5-1-6, AS ADDED BY P.L.273-2001,

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1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2002]: Sec. 6. "Program participant" refers to an individual
3 certified as a program participant under IC 5-26.5-2-3. ~~A program
4 participant must be domiciled in Indiana.~~

5 SECTION 3. IC 5-26.5-1-8 IS ADDED TO THE INDIANA CODE
6 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2002]: **Sec. 8. For purposes of IC 5-26.5-2-2, "sexual assault" has
8 the meaning set forth in IC 33-19-4.5-7.**

9 SECTION 4. IC 5-26.5-1-9 IS ADDED TO THE INDIANA CODE
10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2002]: **Sec. 9. For purposes of IC 5-26.5-2-2, "stalking" has the
12 meaning set forth in IC 33-19-4.5-8.**

13 SECTION 5. IC 5-26.5-2-1, AS ADDED BY P.L.273-2001,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2002]: Sec. 1. The following individuals may apply to the
16 office of the attorney general to have an address designated by the
17 office of the attorney general serve as the individual's address or as the
18 address of a minor or an incapacitated individual:

- 19 (1) An individual who is at least eighteen (18) years of age.
- 20 (2) A parent or guardian acting on behalf of a minor.
- 21 (3) A guardian acting on behalf of an incapacitated individual.
- 22 **(4) An emancipated minor.**

23 SECTION 6. IC 5-26.5-2-2, AS ADDED BY P.L.273-2001,
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2002]: Sec. 2. The office of the attorney general shall approve
26 an application filed in the manner and on a form prescribed by the
27 office of the attorney general if the application contains the following:

- 28 (1) A sworn statement by the applicant that the applicant has good
29 reason to believe that:
 - 30 (A) the applicant, or the minor or incapacitated individual on
31 whose behalf the application is made, is a victim of:
 - 32 (i) domestic violence;
 - 33 (ii) **sexual assault; or**
 - 34 (iii) **stalking; and**
 - 35 (B) the applicant fears for:
 - 36 (i) the applicant's safety; or
 - 37 (ii) the safety of a minor or an incapacitated individual on
38 whose behalf the application is made.
- 39 (2) A copy of a valid protective order issued on behalf of the
40 applicant or the minor or incapacitated individual on whose
41 behalf the application is made.
- 42 (3) A designation of the office of the attorney general as an agent

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1 of the applicant for the purpose of:

2 (A) service of process; and

3 (B) receipt of mail.

4 (4) The:

5 (A) mailing address; and

6 (B) telephone number;

7 where the applicant may be contacted by the office of the attorney
8 general.

9 (5) The new address that the applicant requests not be disclosed
10 because disclosure may increase the risk of domestic violence.

11 (6) The signature of the applicant and of any representative of an
12 agency designated under IC 5-26.5-3-4 that assisted in the
13 preparation of the application.

14 (7) The date the applicant signed the application.

15 SECTION 7. IC 5-26.5-2-6, AS ADDED BY P.L.273-2001,
16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2002]: Sec. 6. ~~(a)~~ Certification as a program participant
18 expires ~~on the earlier of:~~

19 ~~(1) two (2) years after the date on which the office of the attorney
20 general certifies or renews the certification of the applicant as a
21 program participant. or~~

22 ~~(2) the date on which the protective order that is the basis for the
23 certification is withdrawn, revoked, or otherwise invalidated.~~

24 ~~The modification of a protective order is not an invalidation for
25 purposes of subdivision (2):~~

26 ~~(b) A program participant whose certification expires under
27 subsection (a)(1) may apply to renew the certification under section 7
28 of this chapter.~~

29 ~~(c) A program participant whose certification expires under
30 subsection (a)(2) may apply to renew the certification under section 8
31 of this chapter. The program participant shall notify the office of the
32 attorney general when the protective order is withdrawn, revoked, or
33 otherwise invalidated.~~

34 SECTION 8. IC 5-26.5-2-7, AS ADDED BY P.L.273-2001,
35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2002]: Sec. 7. (a) This section applies to a program participant
37 whose certification expired under section ~~6(a)(1)~~ 6 of this chapter.

38 (b) The office of the attorney general shall notify the program
39 participant of the expiration date at least thirty (30) days before the
40 expiration date.

41 (c) The office of the attorney general shall approve an application
42 for renewal of certification filed in the manner and on a form

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1 prescribed by the office of the attorney general if the application
 2 contains the requirements set forth in section 2 of this chapter.
 3 However, a program participant who applies for renewal of
 4 certification under this section does not have to provide a copy of a
 5 valid protective order. ~~except as provided in section 9 of this chapter.~~

6 SECTION 9. IC 5-26.5-2-10, AS ADDED BY P.L.273-2001,
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2002]: Sec. 10. A person who knowingly or intentionally:

9 (1) falsely attests in an application made under this chapter that
 10 disclosure of the applicant's address would endanger:

11 (A) the applicant's safety; or

12 (B) the safety of a minor or an incapacitated individual upon
 13 whose behalf the application is made; or

14 (2) provides false or incorrect information upon making a
 15 application under this chapter;

16 commits perjury. This section applies to an application for certification
 17 under section 2 of this chapter and to an application for renewal of
 18 certification under section 7 ~~or~~ 8 of this chapter.

19 SECTION 10. IC 5-26.5-2-11 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2002]: **Sec. 11. A program participant who
 22 obtains a change of name under IC 34-28-2 shall provide a copy of
 23 the decree of the court changing the program participant's name
 24 to the office of the attorney general not more than thirty (30) days
 25 after the court enters the decree.**

26 SECTION 11. IC 5-26.5-3-2, AS ADDED BY P.L.273-2001,
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2002]: Sec. 2. The office of the attorney general may not
 29 disclose for public inspection or copying the name, address, telephone
 30 number, or any other identifying information relating to a program
 31 participant that is declared confidential under IC 5-26.5-2-3(b), as
 32 contained in a record created under this chapter, except as follows:

33 (1) When requested by a law enforcement agency, to the law
 34 enforcement agency.

35 (2) when directed by a court order, to a person identified in the
 36 order.

37 ~~(3) When certification of a program participant is revoked.~~

38 SECTION 12. IC 5-26.5-3-7 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2002]: **Sec. 7. The office of the attorney general and an agent or
 41 employee of the office of the attorney general are immune from
 42 civil liability for damages for conduct within the scope and arising**

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1 **out of the performance of the duties imposed under this article.**
 2 SECTION 13. IC 5-26.5-4-5, AS ADDED BY P.L.273-2001,
 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2002]: Sec. 5. Unless the program participant's certification
 5 has been renewed under IC 5-26.5-2-7, ~~or IC 5-26.5-2-8~~, the office of
 6 the attorney general shall revoke the certification of a program
 7 participant if the attorney general determines that the protective order
 8 on which the certification is based has been terminated or otherwise
 9 invalidated.
 10 SECTION 14. IC 34-30-2-16.5 IS ADDED TO THE INDIANA
 11 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2002]: **Sec. 16.5. IC 5-26.5-3-7 (Concerning**
 13 **actions taken under the address confidentiality program.)**
 14 SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE
 15 JULY 1, 2002]: IC 5-26.5-2-8; IC 5-26.5-2-9; IC 5-26.5-4-1;
 16 IC 5-26.5-4-6.

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