

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 243 (Alanis)
Version: June 12, 2023
Hearing Date: June 27, 2023
Fiscal: Yes
Urgency: No
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SUBJECT

Child abduction survivors: address confidentiality program

DIGEST

This bill includes victims of child abduction, as defined, in the list of eligible participants for the Secretary of State's Safe at Home address confidentiality program, starting July 1, 2024.

EXECUTIVE SUMMARY

Safe at Home is a confidential address program administered by the Secretary of State (SOS) that enables victims of domestic violence, stalking, sexual assault, human trafficking, and elder and dependent adult abuse, and their households, to obtain a substitute mailing address to receive mail. Government agencies in California must accept this address in lieu of a residential or other address. The program, established in 1999, has protected thousands of victims.

This bill is sponsored by the National Center for Missing and Exploited Children. There is no known support or opposition.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Safe at Home program in order to enable: (1) state and local agencies to respond to requests for public records without disclosing the changed name or location of a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse; (2) interagency cooperation with the SOS in providing name and address confidentiality for such victims; and (3) state and local agencies to accept a program participant's use of

an address designated by the SOS as a substitute mailing address. (Gov. Code § 6205.)

- 2) Authorizes an adult person, or a guardian on behalf of a minor or an incapacitated person, to apply to participate in the Safe at Home program by stating that they are a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, designating the SOS as the agent for service of process and receipt of mail, and providing the SOS with any address they wish to be kept confidential. (Gov. Code § 6206.)
- 3) Requires an applicant to provide the name and last known address of the applicant's minor child or children, the name and last known address of the other parent or parents of the minor child or children of the applicant, and all court orders related to the minor child or children of the applicant, and legal counsel of record in those cases. (Gov. Code § 6206.)
- 4) Provides that a person who falsifies information on an application, as specified, is guilty of a misdemeanor and requires that a bold-type conspicuous notice of this penalty be printed on the face of the application. (Gov. Code § 6206.)
- 5) Requires the SOS to provide each program participant a notice in clear and conspicuous font that contains information relating to: (1) using the confidential address in real property deeds and transactions, (2) changing one's name, and (3) entities that provide legal services. (Gov. Code § 6209.5.)
- 6) Prohibits the disclosure of a participant's home address with the intent to threaten the participant or to incite harm against the participant, as provided. (Gov. Code § 6208.1.)
- 7) States that participation in the Safe at Home program does not constitute evidence of domestic violence, stalking, sexual assault, human trafficking, or elder or dependent adult abuse for purposes of making custody or visitation orders. (Gov. Code § 6209.7.)
- 8) Provides that every person, not having a right to custody, who maliciously takes, entices away, keeps, withholds, or conceals any child with the intent to detain or conceal that child from a lawful custodian shall be punished with imprisonment and/or a fine, as provided. (Pen. Code § 278.)
- 9) Provides that every person who takes, entices away, keeps, withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation, shall be punished with imprisonment and/or a fine, as provided. (Pen. Code § 278.5.)

This bill:

- 1) Adds victims of child abduction, and their households, to the list of eligible participants for the Safe at Home program, starting July 1, 2024.
- 2) Defines “child abduction” as an act or attempted act made punishable pursuant to Section 278 or 278.5 of the Penal Code.

COMMENTS

1. Safe at Home

In 1998, SB 489 (Alpert, Ch. 1005, Stats. 1998) established the “Address Confidentiality for Victims of Domestic Violence” program, which is now referred to as the “Safe at Home” program. This was based on the Legislature’s finding that persons attempting to escape from actual or threatened violence frequently establish new names or addresses in order to prevent their assailants or probable assailants from finding them.

Over the years, the program has been expanded to include victims of other crimes. The Safe at Home program is now available to victims of domestic violence, sexual assault, stalking, human trafficking, and elder or dependent adult abuse, and provides these individuals with a substitute mailing address in order to protect the confidentiality of the participant’s home, work, or school address. Address confidentiality has even been extended to specified government employees and healthcare workers.

The substitute mailing address is an assigned post office box, and the SOS is designated as the participant’s agent for service of process and receipt of mail. Mail is forwarded by the SOS from the post office box to the participant. Thus, the Safe at Home program allows participants to have a publicly available address without disclosing the participant’s actual residence or alternate location.

Upon successful application, a program participant is certified to remain in the program for four years, subject to early termination or withdrawal. The participant must re-certify pursuant to the SOS’s renewal process if they wish to continue in the program beyond the four-year enrollment period. For victims not yet of the age of majority, or for incapacitated persons, a parent or guardian may apply to enroll the victim into the program. In 2020, there were nearly 5,000 active participants.¹

¹ 2020 Annual Legislative Report for the Secretary of State’s Safe at Home Program, p. 2, available at <https://admin.cdn.sos.ca.gov/reports/2020/sah-annual-report.pdf> [as of June 19, 2023].

2. Opening the protections of the Safe at Home program to victims of child abduction

This bill adds victims of child abduction to those eligible for the Safe at Home program. It defines child abduction as an act or attempted act made punishable pursuant to Section 278 or 278.5 of the Penal Code. Those statutes impose liability on persons that maliciously take, entice away, keep, withhold, or conceal any child with the intent to detain or conceal that child from a lawful custodian, as provided, or that maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation.

The Department of Justice reports that over 60,000 children were reported missing each year in the past five years. On average, about 1,500 of those children are abducted, mostly by a parent or other family member. The most obvious benefit of the Safe at Home program is the ability to keep one's residential address confidential. Address confidentiality ensures that survivors of these child abductions can attend school and otherwise participate in regular life, without fear that their addresses will be publicly available to abductors who may still wish to cause them harm. The program also extends to the households of such victims, excluding the perpetrators of the abduction. This ensures that the rightful parent or guardian of abducted children is also provided the benefits and fully effectuates the purpose for the children participants.

In order to give the SOS time to prepare for these new applicants, the changes to the Safe at Home program do not take effect until July 1, 2024.

According to the author:

AB 243 will add child abduction victims to the list of victims eligible for the Safe at Home Program, upon approved application. This program has helped thousands of victims since its creation in 1999 by providing name and address confidentiality on public records. Over time, various pieces of legislation have expanded the program to include victims of sexual assault, victims of human trafficking, and even some government employees and healthcare employees who have experienced legitimate threats related to their work. Passing a bill to include child abduction victims in the list of eligible applicants for the Safe at Home Program is long overdue.

The National Center for Missing and Exploited Children, the sponsor of this bill, writes:

Address confidentiality protections are an important component of a survivor's overall safety plan and recovery process, and California has been the State leader in providing these safeguards to vulnerable victims for over two decades. Recently, several State legislatures have amended their address confidentiality programs to accommodate abduction

survivors. In 2022, Connecticut, Maine, Nebraska, New York, Oklahoma, Pennsylvania and Rhode Island each expanded their address confidentiality protections to specifically provide enrollment access to abduction survivors. Today, NCMEC is asking this Committee to join this effort by voting in favor of Assembly Bill 243 and enabling child abduction survivors and their families to participate in California's Safe at Home address confidentiality program.

SUPPORT

National Center for Missing and Exploited Children (sponsor)

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 1131 (Newman, Ch. 554, Stats. 2022) established an address confidentiality program for public entity employees and contractors, as provided. It prohibited the names of precinct board members from being listed when posting information, as specified, and required county elections officials to make certain information appearing on the affidavit of registration confidential upon request of a qualified worker. SB 1131 included harassment as a basis for application in the existing Safe at Home program for reproductive health care service providers.

AB 1726 (Aguiar-Curry, Ch. 686, Stats. 2022) provided additional protections and eased requirements applicable to participants in the Safe at Home program.

AB 2872 (Akilah Weber, Ch. 975, Stats. 2022) made a series of modifications to the Safe at Home program, including changes to applications, notice requirements, and bases for termination.

AB 277 (Valladares, Ch. 457, Stats. 2021) required, by January 1, 2023, the SOS to provide application forms, notices, and explanatory materials related to the Safe at Home program in at least five languages; and the inclusion of information about the Safe at Home program on Judicial Council forms relating to domestic violence.

AB 611 (Quirk-Silva, Ch. 151, Stats. 2021) required homeowner associations to keep a member's residential address and other specified contact information confidential,

upon the request of the member, if the member is a participant in the Safe at Home program.

SB 1320 (Stern, Ch. 517, Stats. 2018) added victims of elder or dependent adult abuse to those who qualify for the Safe at Home program.

SB 597 (Leyva, Ch. 570, Stats. 2017) added victims of human trafficking to those who qualify for the Safe at Home program and expanded the program to include household members of victims of domestic violence, sexual assault, stalking, and human trafficking, as specified.

SB 1233 (Oropeza, Ch. 326, Stats. 2010) made the Safe at Home program permanent, removing the sunset provision on the law.

SB 1062 (Bowen, Ch. 639, Stats. 2006) added sexual assault victims to those who qualify for the Safe at Home program.

AB 1669 (Assembly Committee on Judiciary, Ch. 668, Stats. 2000) exempted domestic violence victims from the publication requirement of the name change procedures of the Code of Civil Procedure for participants in the Safe at Home Program.

SB 1318 (Alpert, Ch. 562, Stats. 2000) added stalking victims to those who qualify for the Safe at Home program.

SB 489 (Alpert, Ch. 1005, Stats. 1998) *See* Comment 1.

PRIOR VOTES:

Assembly Floor (Ayes 77, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Judiciary Committee (Ayes 11, Noes 0)
