

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 2872 (Akilah Weber)
Version: April 7, 2022
Hearing Date: June 8, 2022
Fiscal: Yes
Urgency: No
CK

SUBJECT

Domestic violence: victims: address confidentiality

DIGEST

This bill makes a series of modifications to the Secretary of State's Safe at Home address confidentiality program, including changes to applications, notice requirements, and bases for termination.

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 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 Secretary of State Shirley Weber. It addresses a number of technical and procedural issues identified by her office. This includes clarification and amendments of the parental notification obligation; reduction of the documentation necessary for proper service on the SOS; changes to the bases for which the SOS can terminate participation; and other technical changes.

The bill has 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 the conduct described above; (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 the conduct described above, 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) Authorizes the SOS to terminate a Safe at Home participant's certification and invalidate their authorization card for several reasons, including failure to update their residential address within seven days and when a service of process document or mail forwarded to the program participant by the SOS is returned as nondeliverable. (Gov. Code § 6206.)
- 7) Authorizes the SOS to refuse to renew a program participant's certification if the person has abandoned their domicile in this state. (Gov. Code § 6206.7.)
- 8) 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.)

This bill:

- 1) Requires an applicant for the Safe at Home program to provide the name and last known address of all other parents or guardians of the minor child or children of the applicant.
- 2) Requires the SOS to notify all other parents or guardians identified above of the designation of the SOS for purposes of service of process and the address of the participant, unless there is a court order prohibiting contact between the other parents or guardians and the minor child or children.
- 3) Reduces from two to one the amount of copies of the summons, writ, notice, demand, or process required to be delivered to the address confidentiality program personnel to the SOS to effectuate service on the SOS.
- 4) Authorizes the SOS to terminate a program participant's certification in the program for the following reasons:
 - a) when the SOS has been informed that another state agency determined that false information was used in the application;
 - b) the participant moves from their California place of residence to relocate out of state; and
 - c) the participant moves from their California place of residence to another residence in this state.
- 5) Clarifies that the SOS must notify the county elections official of a participant's certification withdrawal, invalidation, expiration, or termination. The Secretary of State is required to cooperate with authorized personnel of the appropriate county clerk's office, county recording office, and state and local agencies to verify, upon request, such events.

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 domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse frequently establish new names or addresses in order to prevent their assailants or probable assailants from finding them.

The Safe at Home program is available to victims of domestic violence, sexual assault, stalking, human trafficking, or 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.

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

2. Purpose of the bill

According to the author:

AB 2872 achieves the following key objectives to improve the efficiency and service-oriented goals of the Safe at Home Program in the following ways:

- Removes the requirement to produce unnecessary, costly, environmentally unsound copies of notices and devote the staff time saved by this change to directly assist Safe at Home participants and perform other key program functions.
- Clarifies the notification procedures when a "no contact" court order exists between the child and the parent.
- Authorizes Safe at Home to inform other agencies, as appropriate, when a participant is terminated for using false information in a program application. Specifies that Safe at Home may terminate a participant who abandons their California domicile to reduce disputes between Safe at Home and its participants about lack of statutory clarity in this area.
- Ensures that county officials are aware of voter registration changes when a participant is terminated.

3. Modifying the Safe at Home program

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 May 23, 2022).

As indicated above, the bill seeks to address a series of issues within the program that have been identified by Secretary of State Weber.

Currently, an applicant must list the name and last known address of the other parent or parents of the minor child or children of the applicant. Once an applicant has been certified, the SOS is required to notify the other parent or parents identified of the designation of the Secretary of State as agent for purposes of service of process. In addition, the SOS is also required to notify them of the address designated by the SOS for the program participant unless there is a court order prohibiting contact.

This bill includes guardians of the minor child or children in these provisions. It also clarifies that the relevant court order is one that prohibits contact between the other parents or guardians and the minor child or children.

Existing law lays out a series of bases upon which the SOS can terminate a participant's certification and invalidate their authorization. This includes when the SOS has determined that the participant used false information in their application in order to qualify. This bill modifies that provision to limit it to only when the SOS has been informed by another state agency of such fraudulent information. In addition, the SOS may refuse to renew a program participant's certification if the participant has "abandoned [their] domicile." This bill deletes that last phrase and instead allows for a refusal to renew when the participant moves from their California place of residence to another residence within the state. The bill further creates another basis for more immediate termination from the program where the move is to a residence out of the state.

The bill also makes several more technical changes. The first involves expanding what needs to be communicated to county election officials when specified changes in a participant's status take place. Secondly, service on the SOS of any summons, writ, notice, demand, or process is currently required to be made by delivering to the address confidentiality program personnel of the office *two* copies of the summons, writ, notice, demand, or process. To reduce unnecessary paperwork, this bill reduces that to a single copy.

In support of the bill, Secretary of State Weber writes:

Safe at Home is a free confidential address program administered by SOS on behalf of past and potential victims of domestic violence, stalking, sexual assault, human trafficking & elder and dependent abuse, as well as reproductive health care workers.

AB 2872 aims to reduce wasteful and unnecessary use of duplicative and unnecessary copies of paper documents generated for Safe at Home enrollees. The measure does not change the number or type of documents

received by program participants. This bill would also clarify when a minor's confidential address may be disclosed.

In addition, AB 2872 ensures that a person may enroll in Safe at Home regardless of gender identity and establishes procedures for terminating the enrollment of participants who use false information in the application process or who leave California. These termination procedures would clarify the process for informing county election officials when a participant is terminated.

It should be noted that another bill, AB 1726 (Aguilar-Curry, 2022), that previously passed out of this Committee made changes to some of these same sections. Most relevant here, the bill addresses an issue for applicants where there is no additional parent to include on the application. It also eases the events that would trigger termination. For instance, AB 1726 requires the SOS to attempt to contact the participant by telephone and email to resolve a mail delivery issue before terminating a Safe at Home participant's certification due to nondeliverable mail. It also extends from seven days to 30 days the time period in which a Safe at Home program participant must update their residential address or legal name change before the SOS may terminate a program participant's certification.

AB 1726 also modifies the authority of the SOS to terminate a Safe at Home participant from the program on the grounds of having abandoned their domicile in California. It establishes a 60-consecutive-day grace period for participants that relocate to a state *with* an address confidentiality program. And, if the relocation is to a state *without* an address confidentiality program, the participant can remain enrolled in the program and have their mail forwarded to them for the remainder of their certification term.

SUPPORT

Secretary of State Shirley Weber (sponsor)

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation:

SB 1131 (Newman, 2022) establishes a Safe at Home program for election workers, as provided. The bill prohibits the names of precinct board members from being listed when posting information, as specified, and requires county elections officials to make certain information appearing on the affidavit of registration confidential upon request of an election worker. The bill also includes harassment as a basis for application in the

existing Safe at Home program for reproductive health care service providers. The bill is currently pending referral in the Assembly.

AB 1726 (Aguiar-Curry, 2022) *See* Comment 3.

AB 2381 (Daly, 2022) authorizes Safe at Home applicants to submit a certified statement by the employee, patient, or volunteer for a reproductive health care services facility that they have been the target of threats or acts of violence, or a workplace violence restraining order issued because of threats or acts of violence connected with a reproductive health care services facility, as specified, instead of a certified statement from a representative of the reproductive health care services facility. It also expands the address confidentiality program to include other individuals who face threats of violence or violence from the public because of their work, employment, or volunteer service. This bill is currently in the Assembly Appropriations Committee.

Prior Legislation:

AB 277 (Valladares, Ch. 457, Stats. 2021) requires, 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) requires 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 a victims of elder or dependent adult abuse to those who qualify for the Safe at Home program.

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:

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Assembly Floor (Ayes 61, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Judiciary Committee (Ayes 9, Noes 0)
