

# HOUSE BILL 633

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CF 8lr1954

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By: **Delegate Healey**

Introduced and read first time: January 29, 2018

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Secretary of State – Address Confidentiality Programs – Shielding of Real**  
3 **Property Records**

4 FOR the purpose of enabling certain private entities to accept the use of a certain substitute  
5 address by a participant in a certain address confidentiality program; enabling a  
6 participant in a certain address confidentiality program to use a certain substitute  
7 address for all purposes; requiring the Secretary of State to give written notice to the  
8 clerk of the circuit court within a certain number of days after a certain individual  
9 ceases to be a participant in a certain address confidentiality program, under certain  
10 circumstances; authorizing an individual who acquires an ownership interest in real  
11 property while participating in a certain address confidentiality program to request  
12 the shielding of real property records concerning the property in accordance with  
13 certain provisions of law; prohibiting a person from knowingly and intentionally  
14 obtaining the actual address or telephone number of a participant in a certain  
15 address confidentiality program from the clerk of the circuit court or any private  
16 entity without authorization to obtain the information; prohibiting a certain person  
17 from knowingly and intentionally disclosing the actual address or telephone number  
18 of a participant in a certain address confidentiality program except under certain  
19 circumstances; prohibiting a person from knowingly disclosing the name, home  
20 address, work address, or school address of a participant in a certain address  
21 confidentiality program after receiving a certain notice under certain circumstances;  
22 establishing certain rules for service of process and service by publication on a  
23 participant in a certain address confidentiality program; requiring a participant in  
24 a certain address confidentiality program to present a certain notice to the clerk of  
25 the circuit court and the appropriate county finance office in order to request the  
26 shielding of certain real property records; specifying the contents of the notice;  
27 requiring a participant in a certain address confidentiality program to submit a copy  
28 of the notice to the Secretary of State; specifying the instruments to which the notice  
29 applies; requiring a participant in a certain address confidentiality program to use a  
30 separate certain notice for each property in which the participant acquires an  
31 ownership interest; requiring the clerk of the circuit court to provide a copy of the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 notice to certain agencies; providing that the notice is not a public record within the  
2 meaning of certain provisions of law; prohibiting a clerk of the circuit court or any  
3 State or local agency that receives the notice from disclosing certain information in  
4 conjunction with the property identified in the notice, except under certain  
5 circumstances; providing that the prohibition on disclosure shall continue until a  
6 certain occurrence; requiring the clerks of the circuit courts to establish certain  
7 uniform statewide procedures for recording deeds and other instruments to comply  
8 with this Act; requiring certain agencies to establish procedures for maintaining tax  
9 records in accordance with this Act; authorizing the Secretary of State to authorize  
10 the disclosure of real property records that have been shielded under certain  
11 provisions of law for the purpose of performing a bona fide title examination, under  
12 certain circumstances; providing that nothing in this Act may be interpreted to  
13 require the Secretary of State to identify other agencies that may possess  
14 information on a participant in a certain address confidentiality program or a clerk  
15 of the circuit court or other State or local agency to independently determine whether  
16 the clerk or agency maintains information on a participant in a certain address  
17 confidentiality program; providing that nothing in this Act may be interpreted to  
18 prohibit the clerk of the circuit court or any State or local agency from sharing certain  
19 information with the Secretary of State for the purpose of facilitating compliance  
20 with this Act; requiring the Secretary of State to adopt regulations to carry out  
21 certain provisions of law; defining certain terms; and generally relating to address  
22 confidentiality programs administered by the Secretary of State.

23 BY repealing and reenacting, without amendments,  
24 Article – Family Law  
25 Section 4–519, 4–521 through 4–524, 4–527, and 4–528  
26 Annotated Code of Maryland  
27 (2012 Replacement Volume and 2017 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article – Family Law  
30 Section 4–520, 4–525, 4–526, 4–529, and 4–530  
31 Annotated Code of Maryland  
32 (2012 Replacement Volume and 2017 Supplement)

33 BY adding to  
34 Article – Family Law  
35 Section 4–530  
36 Annotated Code of Maryland  
37 (2012 Replacement Volume and 2017 Supplement)

38 BY adding to  
39 Article – Real Property  
40 New part designation “Part I. General Provisions” to immediately precede Section  
41 3–101; and Section 3–114 through 3–120 to be under the new part “Part II.  
42 Recordation of Instruments for Address Confidentiality Program  
43 Participants”

1 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2017 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article – State Government  
5 Section 7–301, 7–303 through 7–306, 7–309, and 7–310  
6 Annotated Code of Maryland  
7 (2014 Replacement Volume and 2017 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – State Government  
10 Section 7–302, 7–307, 7–308, 7–311, and 7–312  
11 Annotated Code of Maryland  
12 (2014 Replacement Volume and 2017 Supplement)

13 BY adding to  
14 Article – State Government  
15 Section 7–312  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2017 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the new part designation “Part I. General Provisions” be added to immediately  
20 precede Section 3–101 of Article – Real Property of the Annotated Code of Maryland.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
22 as follows:

23 **Article – Family Law**

24 4–519.

25 (a) In this Part IV of this subtitle the following words have the meanings  
26 indicated.

27 (b) “Actual address” means a residential street address, school address, or work  
28 address of an individual, as specified on the individual’s application to be a Program  
29 participant under this part.

30 (c) “Disabled person” has the meaning stated in § 13–101 of the Estates and  
31 Trusts Article.

32 (d) “Program” means the Address Confidentiality Program.

33 (e) “Program participant” means a person designated as a Program participant  
34 under this part.

1 4-520.

2 The purpose of this part is to enable:

3 (1) State and local agencies to respond to requests for public records  
4 without disclosing the location of a victim of domestic violence;

5 (2) interagency cooperation in providing address confidentiality for victims  
6 of domestic violence; **[and]**

7 (3) State and local agencies **AND PRIVATE ENTITIES** to accept a Program  
8 participant's use of an address designated by the Office of the Secretary of State as a  
9 substitute address; **AND**

10 (4) **A PROGRAM PARTICIPANT TO USE AN ADDRESS DESIGNATED BY**  
11 **THE OFFICE OF THE SECRETARY OF STATE AS A SUBSTITUTE ADDRESS FOR ALL**  
12 **PURPOSES.**

13 4-521.

14 The Secretary of State shall establish and administer an Address Confidentiality  
15 Program for victims of domestic violence.

16 4-522.

17 (a) Any of the following individuals may apply to participate in the Program:

18 (1) an individual acting on the individual's own behalf;

19 (2) a parent or guardian acting on behalf of a minor who resides with the  
20 parent or guardian; or

21 (3) a guardian acting on behalf of a disabled person.

22 (b) An application to participate in the Program shall be in the form required by  
23 the Secretary of State and shall contain:

24 (1) a statement that:

25 (i) the applicant is a victim of domestic violence; and

26 (ii) the applicant fears for the applicant's safety or the safety of the  
27 applicant's child;

28 (2) evidence that the applicant is a victim of domestic violence, including:

1 (i) certified law enforcement, court, or other federal or State agency  
2 records or files;

3 (ii) documentation from a domestic violence program; or

4 (iii) documentation from a religious, medical, or other professional  
5 from whom the applicant has sought assistance or treatment as a victim of domestic  
6 violence;

7 (3) a statement that disclosure of the applicant's actual address would  
8 endanger the applicant's safety or the safety of the applicant's child;

9 (4) a knowing and voluntary designation of the Secretary of State as agent  
10 for purposes of service of process and receipt of first-class, certified, or registered mail;

11 (5) the mailing address and telephone number where the applicant may be  
12 contacted by the Secretary of State;

13 (6) the actual address that the applicant requests not be disclosed by the  
14 Secretary of State because it would increase the risk of domestic violence;

15 (7) a statement as to whether there is any existing court order or pending  
16 court action involving the applicant and related to divorce proceedings, child support, child  
17 custody, or child visitation, and the court that issued the order or has jurisdiction over the  
18 action;

19 (8) a sworn statement by the applicant that to the best of the applicant's  
20 knowledge all of the information contained in the application is true;

21 (9) the signature of the applicant and the date on which the applicant  
22 signed the application; and

23 (10) a voluntary release and waiver of all future claims against the State for  
24 any claim that may arise from participation in the Program except for a claim based on  
25 gross negligence.

26 (c) (1) (i) On the filing of a properly completed application and release, the  
27 Secretary of State shall:

28 1. review the application and release; and

29 2. if the application and release are properly completed and  
30 accurate, designate the applicant as a Program participant.

31 (ii) An applicant shall be a participant for 4 years from the date of  
32 filing unless the participation is canceled or withdrawn prior to the end of the 4-year  
33 period.

1           (2) A Program participant may withdraw from participation by filing a  
2 signed, notarized request for withdrawal with the Secretary of State.

3 4-523.

4           (a) If an applicant falsely attests in an application that disclosure of the  
5 applicant's actual address would endanger the applicant's safety or the safety of the  
6 applicant's child or knowingly provides false information when applying for participation  
7 or renewal of participation in the Program, the applicant shall no longer be allowed to  
8 participate in the Program.

9           (b) A person may not knowingly make a false attestation or knowingly provide  
10 false information in an application in violation of subsection (a) of this section.

11           (c) A person who violates subsection (b) of this section is guilty of a misdemeanor  
12 and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding  
13 \$500 or both.

14 4-524.

15           (a) If a Program participant obtains a legal name change, the Program  
16 participant shall notify the Secretary of State within 30 days and provide the Secretary of  
17 State with a certified copy of any judgment or order evidencing the change or any other  
18 documentation the Secretary of State considers to be sufficient evidence of the change.

19           (b) If a Program participant makes a change in address or telephone number from  
20 an address or telephone number listed on the Program participant's application, the  
21 Program participant shall notify the Secretary of State at least 7 days before the change  
22 occurs.

23 4-525.

24           (a) The Secretary of State shall cancel the participation of a Program participant  
25 if:

26               (1) the Program participant fails to notify the Secretary of State of any  
27 legal name change or change in address or telephone number in the manner required by §  
28 4-524 of this part;

29               (2) the Program participant files a request for withdrawal of participation  
30 under § 4-522(c)(2) of this part;

31               (3) the Program participant submits false information in applying for  
32 participation in the Program in violation of § 4-523 of this part; or

33               (4) the Secretary of State forwards mail to the Program participant and the

1 mail is returned as undeliverable.

2 (b) The Secretary of State shall send notice of any cancellation of participation in  
3 the Program to the participant and shall set forth the reason for cancellation.

4 (c) A Program participant may appeal any cancellation decision by filing an  
5 appeal with the Secretary of State within 30 days after the date of the notice of cancellation  
6 in accordance with procedures developed by the Secretary of State.

7 (d) (1) An individual who ceases to be a Program participant is responsible for  
8 notifying any person who uses the substitute address designated by the Secretary of State  
9 that the substitute address is no longer valid.

10 (2) **IF AN INDIVIDUAL HAS REQUESTED THE SHIELDING OF PROPERTY**  
11 **RECORDS IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL**  
12 **PROPERTY ARTICLE, THE SECRETARY OF STATE SHALL GIVE WRITTEN NOTICE TO**  
13 **THE CLERK OF THE APPROPRIATE CIRCUIT COURT WITHIN 30 DAYS AFTER THE**  
14 **INDIVIDUAL CEASES TO BE A PROGRAM PARTICIPANT.**

15 4-526.

16 (a) (1) A Program participant may make a request to any **PERSON OR** State  
17 or local agency to use the substitute address designated by the Secretary of State as the  
18 Program participant's address.

19 [(b)] (2) Subject to subsection (c) of this section, when a Program participant has  
20 made a request to a **PERSON OR** State or local agency under [subsection (a) of this section]  
21 **THIS SUBSECTION**, the [State or local] **PERSON OR** agency shall use the substitute  
22 address designated by the Secretary of State as [a] **THE** Program participant's address.

23 (B) **A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP INTEREST IN**  
24 **REAL PROPERTY WHILE PARTICIPATING IN THE PROGRAM MAY REQUEST THE**  
25 **SHIELDING OF REAL PROPERTY RECORDS CONCERNING THE PROPERTY IN**  
26 **ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL PROPERTY**  
27 **ARTICLE.**

28 (c) (1) A State or local agency that has a bona fide statutory or administrative  
29 requirement for using a Program participant's actual address may apply to the Secretary  
30 of State for a waiver from the requirements of the Program.

31 (2) If the Secretary of State approves the waiver, the State or local agency  
32 shall use the Program participant's actual address only for the required statutory or  
33 administrative purposes.

34 4-527.

1 (a) (1) Each local board of elections shall use a Program participant's actual  
2 address for all election-related purposes.

3 (2) A Program participant may not use the substitute address designated  
4 by the Secretary of State as the Program participant's address for voter registration  
5 purposes.

6 (b) A local board of elections may not make a Program participant's address  
7 contained in voter registration records available for public inspection or copying, except:

8 (1) on request by a law enforcement agency for law enforcement purposes;  
9 and

10 (2) as directed by a court order to disclose the address.

11 4-528.

12 (a) Except as otherwise provided by this part, a Program participant's actual  
13 address and telephone number maintained by the Secretary of State or a State or local  
14 agency is not a public record within the meaning of § 4-101 of the General Provisions  
15 Article.

16 (b) The Secretary of State may not disclose a Program participant's actual  
17 address or telephone number or substitute address, except as provided in subsection (c) of  
18 this section and:

19 (1) (i) on request by a law enforcement agency for law enforcement  
20 purposes; and

21 (ii) as directed by a court order; or

22 (2) on request by a State or local agency to verify a Program participant's  
23 participation in the Program or substitute address for use under § 4-526 of this part.

24 (c) The Secretary of State shall notify the appropriate court of a Program  
25 participant's participation in the Program and of the substitute address designated by the  
26 Secretary of State if the Program participant:

27 (1) is subject to a court order or administrative order;

28 (2) is involved in a court action or administrative action; or

29 (3) is a witness or a party in a civil or criminal proceeding.

30 4-529.

31 (a) A person may not knowingly and intentionally obtain a Program participant's



1 actual address or telephone number from the Secretary of State [or], **THE CLERK OF A**  
2 **CIRCUIT COURT**, any agency, **OR ANY PRIVATE ENTITY** without authorization to obtain  
3 the information.

4 (b) (1) This subsection applies only when [an employee of the Secretary of  
5 State] **A PERSON**:

6 (i) obtains a Program participant's actual address or telephone  
7 number during the course of the [employee's] **PERSON'S** official duties; and

8 (ii) at the time of disclosure, has specific knowledge that the actual  
9 address or telephone number belongs to a Program participant.

10 (2) [An employee of the Secretary of State or any agency] **A PERSON** may  
11 not knowingly and intentionally disclose a Program participant's actual address or  
12 telephone number to another person unless the disclosure is authorized by law.

13 (c) (1) **IF AN INDIVIDUAL WHO IS A PROGRAM PARTICIPANT NOTIFIES A**  
14 **PERSON IN WRITING ON A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT**  
15 **STATES THE REQUIREMENTS OF THE PROGRAM AND THAT THE INDIVIDUAL IS A**  
16 **PROGRAM PARTICIPANT, THE PERSON MAY NOT KNOWINGLY DISCLOSE THE**  
17 **PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL**  
18 **ADDRESS UNLESS:**

19 (I) **THE PERSON TO WHOM THE ADDRESS IS DISCLOSED ALSO**  
20 **LIVES, WORKS, OR GOES TO SCHOOL AT THE DISCLOSED ADDRESS; OR**

21 (II) **THE PROGRAM PARTICIPANT HAS PROVIDED WRITTEN**  
22 **CONSENT TO THE DISCLOSURE OF THE PROGRAM PARTICIPANT'S NAME, HOME**  
23 **ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS FOR THE PURPOSE FOR WHICH**  
24 **THE DISCLOSURE WILL BE MADE.**

25 (2) **A PERSON THAT RECEIVES NOTICE AS PROVIDED UNDER**  
26 **PARAGRAPH (1) OF THIS SUBSECTION IS PRESUMED TO HAVE SPECIFIC KNOWLEDGE**  
27 **THAT THE DISCLOSED HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS**  
28 **BELONGS TO THE PROGRAM PARTICIPANT.**

29 (D) A person who violates this section is guilty of a misdemeanor and on conviction  
30 is subject to a fine not exceeding \$2,500.

31 **4-530.**

32 (A) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SERVICE OF**  
33 **PROCESS ON AN INDIVIDUAL BY A PERSON OR AN AGENCY THAT HAS RECEIVED**

1 NOTICE THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT SHALL BE MADE IN  
2 ACCORDANCE WITH THIS SECTION.

3 (B) SERVICE OF PROCESS SHALL BE MADE:

4 (1) IN PERSON ON THE PROGRAM PARTICIPANT; OR

5 (2) BY MAIL ON THE SECRETARY OF STATE.

6 (C) IF SERVICE BY PUBLICATION IS REQUIRED, SERVICE IS VALID IF:

7 (1) THE PUBLICATION OMITTS THE NAME OF THE PROGRAM  
8 PARTICIPANT; AND

9 (2) THE SECRETARY OF STATE HAS BEEN SERVED IN ACCORDANCE  
10 WITH SUBSECTION (B)(2) OF THIS SECTION.

11 [4-530.] 4-531.

12 The Secretary of State shall adopt regulations to carry out the provisions of this part.

13 **Article - Real Property**

14 **3-112. RESERVED.**

15 **3-113. RESERVED.**

16 **PART II. RECORDATION OF INSTRUMENTS FOR ADDRESS CONFIDENTIALITY**  
17 **PROGRAM PARTICIPANTS.**

18 **3-114.**

19 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS  
20 INDICATED.

21 (B) "ACP NUMBER" MEANS THE UNIQUE IDENTIFICATION NUMBER  
22 ASSIGNED TO EACH PROGRAM PARTICIPANT BY THE SECRETARY.

23 (C) "ACTUAL ADDRESS" MEANS A RESIDENTIAL STREET ADDRESS, SCHOOL  
24 ADDRESS, OR WORK ADDRESS OF AN INDIVIDUAL, AS SPECIFIED ON THE  
25 INDIVIDUAL'S APPLICATION TO BE A PROGRAM PARTICIPANT UNDER TITLE 4,  
26 SUBTITLE 5, PART IV OF THE FAMILY LAW ARTICLE OR TITLE 7, SUBTITLE 3 OF  
27 THE STATE GOVERNMENT ARTICLE.

1 (D) "ADDRESS CONFIDENTIALITY PROGRAM" MEANS:

2 (1) THE ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF  
3 DOMESTIC VIOLENCE ADMINISTERED BY THE SECRETARY OF STATE UNDER TITLE  
4 4, SUBTITLE 5, PART IV OF THE FAMILY LAW ARTICLE; OR

5 (2) THE HUMAN TRAFFICKING ADDRESS CONFIDENTIALITY  
6 PROGRAM ADMINISTERED BY THE SECRETARY UNDER TITLE 7, SUBTITLE 3 OF THE  
7 STATE GOVERNMENT ARTICLE.

8 (E) (1) "IDENTITY INFORMATION" MEANS INFORMATION THAT MAY BE  
9 USED TO IDENTIFY A PROGRAM PARTICIPANT.

10 (2) "IDENTITY INFORMATION" INCLUDES A PROGRAM  
11 PARTICIPANT'S:

12 (I) NAME;

13 (II) PHONE NUMBER;

14 (III) E-MAIL ADDRESS;

15 (IV) SOCIAL SECURITY NUMBER; AND

16 (V) DRIVER'S LICENSE NUMBER.

17 (F) "PROGRAM PARTICIPANT" MEANS AN INDIVIDUAL DESIGNATED BY THE  
18 SECRETARY AS A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM.

19 (G) "REAL PROPERTY ACP NOTICE" MEANS THE NOTICE REQUIRED  
20 UNDER THIS PART FOR A PROGRAM PARTICIPANT TO REQUEST THE SHIELDING OF  
21 REAL PROPERTY RECORDS.

22 (H) "REAL PROPERTY RECORD" MEANS ANY RECORD OR DATA MAINTAINED  
23 BY A CLERK OF THE CIRCUIT COURT OR A STATE OR LOCAL AGENCY AS PART OF THE  
24 LAND OR TAX RECORDS.

25 (I) "SECRETARY" MEANS THE SECRETARY OF STATE.

26 (J) "SHIELD" MEANS TO REMOVE REAL PROPERTY RECORDS FROM PUBLIC  
27 INSPECTION IN ACCORDANCE WITH THIS PART.

28 (K) "SHIELDING" MEANS, WITH RESPECT TO A REAL PROPERTY RECORD

1 ACCEPTED FOR RECORDING BY A CLERK OF THE CIRCUIT COURT OR A STATE OR  
2 LOCAL AGENCY, REMOVING THE RECORD TO A SEPARATE SECURE AREA TO WHICH  
3 PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED  
4 ACCESS.

5 **3-115.**

6 (A) A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP INTEREST IN  
7 REAL PROPERTY WHILE PARTICIPATING IN AN ADDRESS CONFIDENTIALITY  
8 PROGRAM MAY REQUEST THE SHIELDING OF REAL PROPERTY RECORDS  
9 CONCERNING THE PROPERTY IN ACCORDANCE WITH THIS SECTION.

10 (B) (1) TO REQUEST THE SHIELDING OF REAL PROPERTY RECORDS, A  
11 PROGRAM PARTICIPANT SHALL SUBMIT TO THE CLERK OF THE CIRCUIT COURT AND  
12 THE APPROPRIATE COUNTY FINANCE OFFICE:

13 (I) A REAL PROPERTY ACP NOTICE;

14 (II) THE DEED OR OTHER INSTRUMENT TO BE RECORDED; AND

15 (III) THE INTAKE SHEET REQUIRED UNDER § 3-104 OF THIS  
16 SUBTITLE.

17 (2) THE REAL PROPERTY ACP NOTICE SHALL BE ON THE FORM  
18 THAT THE SECRETARY PROVIDES AND SHALL INCLUDE:

19 (I) THE FULL LEGAL NAME OF THE PROGRAM PARTICIPANT,  
20 INCLUDING MIDDLE NAME;

21 (II) THE PROGRAM PARTICIPANT'S ACP NUMBER;

22 (III) THE SUBSTITUTE ADDRESS DESIGNATED BY THE  
23 SECRETARY AS THE PROGRAM PARTICIPANT'S ADDRESS;

24 (IV) A DESCRIPTION OF THE PROPERTY IDENTICAL TO THE  
25 DESCRIPTION GIVEN ON THE INTAKE SHEET REQUIRED UNDER § 3-104 OF THIS  
26 SUBTITLE; AND

27 (V) THE SIGNATURE OF THE PROGRAM PARTICIPANT.

28 (3) THE PROGRAM PARTICIPANT SHALL SUBMIT TO THE SECRETARY  
29 A COPY OF ANY REAL PROPERTY ACP NOTICE SUBMITTED UNDER PARAGRAPH (1)  
30 OF THIS SUBSECTION.

1 (C) A REAL PROPERTY ACP NOTICE APPLIES TO:

2 (1) THE INSTRUMENT SUBMITTED FOR RECORDATION AT THE SAME  
3 TIME AS THE REAL PROPERTY ACP NOTICE; AND

4 (2) ANY OTHER INSTRUMENT CONCERNING THE PROPERTY  
5 IDENTIFIED IN THE REAL PROPERTY ACP NOTICE THAT IS SUBSEQUENTLY  
6 PRESENTED FOR RECORDATION.

7 (D) A PROGRAM PARTICIPANT SHALL USE A SEPARATE REAL PROPERTY  
8 ACP NOTICE FOR EACH PROPERTY IN WHICH THE PROGRAM PARTICIPANT  
9 ACQUIRES AN OWNERSHIP INTEREST.

10 (E) THE CLERK OF THE CIRCUIT COURT SHALL PROVIDE A COPY OF ANY  
11 REAL PROPERTY ACP NOTICE RECEIVED UNDER THIS SECTION TO THE STATE  
12 DEPARTMENT OF ASSESSMENTS AND TAXATION AND THE STATE ARCHIVES.

13 (F) A REAL PROPERTY ACP NOTICE IS NOT A PUBLIC RECORD WITHIN THE  
14 MEANING OF § 4-101 OF THE GENERAL PROVISIONS ARTICLE.

15 (G) IF A PROGRAM PARTICIPANT INTENDS TO REQUEST THE SHIELDING OF  
16 REAL PROPERTY RECORDS UNDER THIS SECTION, THE PROGRAM PARTICIPANT MAY  
17 NOT SUBMIT ANY INSTRUMENT FOR RECORDATION ELECTRONICALLY.

18 3-116.

19 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A  
20 CLERK OF THE CIRCUIT COURT AND ANY STATE OR LOCAL AGENCY THAT RECEIVES  
21 A REAL PROPERTY ACP NOTICE UNDER § 3-115 OF THIS SUBTITLE MAY NOT  
22 DISCLOSE THE PROGRAM PARTICIPANT'S IDENTITY INFORMATION IN CONJUNCTION  
23 WITH THE PROPERTY IDENTIFIED IN THE NOTICE.

24 (B) A PROGRAM PARTICIPANT'S IDENTITY INFORMATION MAY BE  
25 DISCLOSED IN CONJUNCTION WITH A PROPERTY IDENTIFIED IN A REAL PROPERTY  
26 ACP NOTICE IF:

27 (1) THE PROGRAM PARTICIPANT CONSENTS TO THE DISCLOSURE FOR  
28 A SPECIFIC PURPOSE IDENTIFIED IN A WRITING ACKNOWLEDGED BY THE PROGRAM  
29 PARTICIPANT;

30 (2) THE INFORMATION IS SUBJECT TO DISCLOSURE IN ACCORDANCE  
31 WITH A COURT ORDER; OR

1           **(3) THE SECRETARY AUTHORIZES THE DISCLOSURE IN ACCORDANCE**  
2 **WITH § 3-118 OF THIS SUBTITLE.**

3           **(C) THE PROHIBITION ON DISCLOSURE SHALL CONTINUE UNTIL:**

4           **(1) THE PROGRAM PARTICIPANT CONSENTS TO THE TERMINATION OF**  
5 **THE REAL PROPERTY ACP NOTICE IN A WRITING ACKNOWLEDGED BY THE**  
6 **PROGRAM PARTICIPANT;**

7           **(2) THE REAL PROPERTY ACP NOTICE IS TERMINATED IN**  
8 **ACCORDANCE WITH A COURT ORDER;**

9           **(3) THE PROGRAM PARTICIPANT NO LONGER HOLDS A RECORD**  
10 **INTEREST IN THE PROPERTY IDENTIFIED IN THE REAL PROPERTY ACP NOTICE; OR**

11           **(4) THE SECRETARY GIVES WRITTEN NOTICE TO THE CLERK OF THE**  
12 **CIRCUIT COURT THAT THE INDIVIDUAL NAMED IN THE REAL PROPERTY ACP**  
13 **NOTICE IS NO LONGER A PROGRAM PARTICIPANT.**

14 **3-117.**

15           **(A) (1) THE CLERKS OF THE CIRCUIT COURTS SHALL ESTABLISH**  
16 **UNIFORM STATEWIDE PROCEDURES FOR RECORDING DEEDS AND OTHER**  
17 **INSTRUMENTS TO COMPLY WITH THIS PART.**

18           **(2) THE PROCEDURES SHALL, AT A MINIMUM, INCLUDE PROVISIONS**  
19 **FOR:**

20           **(I) SHIELDING RECORDED INSTRUMENTS THAT CONTAIN A**  
21 **PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR IDENTITY INFORMATION; AND**

22           **(II) PROVIDING NOTICE TO THE PUBLIC OF THE EXISTENCE OF**  
23 **A SHIELDED INSTRUMENT AND INSTRUCTIONS FOR REQUESTING ACCESS TO THE**  
24 **SHIELDED INSTRUMENT IN ACCORDANCE WITH § 3-118 OF THIS SUBTITLE.**

25           **(3) NOTHING IN THIS SECTION MAY BE INTERPRETED TO PROHIBIT A**  
26 **CLERK OF THE CIRCUIT COURT FROM RETURNING AN ORIGINAL DEED OR ANY**  
27 **OTHER INSTRUMENT TO THE INDIVIDUAL WHO SUBMITTED THE INSTRUMENT FOR**  
28 **RECORDATION.**

29           **(B) ALL STATE AND LOCAL AGENCIES, INCLUDING THE STATE**  
30 **DEPARTMENT OF ASSESSMENTS AND TAXATION AND ALL COUNTY, BICOUNTY,**

1 MUNICIPAL, AND SPECIAL TAXING DISTRICT FINANCE OFFICES, SHALL ESTABLISH  
2 UNIFORM PROCEDURES FOR MAINTAINING RECORDS, INCLUDING TAX, UTILITY, AND  
3 ZONING RECORDS, IN ACCORDANCE WITH THIS PART.

4 **3-118.**

5 (A) ON REQUEST, THE SECRETARY MAY AUTHORIZE THE DISCLOSURE OF  
6 REAL PROPERTY RECORDS THAT HAVE BEEN SHIELDED UNDER §  
7 3-116 OF THIS SUBTITLE FOR THE PURPOSE OF PERFORMING A BONA FIDE TITLE  
8 EXAMINATION.

9 (B) A REQUEST UNDER THIS SECTION SHALL INCLUDE:

10 (1) THE NAME, TITLE, ADDRESS, AND AFFILIATED ORGANIZATION, IF  
11 APPLICABLE, OF THE INDIVIDUAL REQUESTING THE DISCLOSURE;

12 (2) THE INDIVIDUAL'S PURPOSE FOR REQUESTING THE DISCLOSURE;

13 (3) THE INDIVIDUAL'S RELATIONSHIP, IF ANY, TO THE PROGRAM  
14 PARTICIPANT;

15 (4) A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE TITLE  
16 EXAMINATION;

17 (5) A STATEMENT THAT ANY INFORMATION DISCLOSED TO THE  
18 INDIVIDUAL SHALL BE TREATED AS CONFIDENTIAL AND SHALL BE USED ONLY FOR  
19 THE PURPOSE IDENTIFIED IN THE REQUEST;

20 (6) THE INDIVIDUAL'S SIGNATURE; AND

21 (7) ANY OTHER INFORMATION REQUIRED BY THE SECRETARY TO  
22 RESPOND TO THE REQUEST.

23 (C) (1) WITHIN 2 BUSINESS DAYS AFTER RECEIVING A REQUEST UNDER  
24 THIS SECTION, THE SECRETARY SHALL PROVIDE A WRITTEN RESPONSE APPROVING  
25 OR DENYING THE REQUEST.

26 (2) THE SECRETARY SHALL APPROVE THE REQUEST ONLY IF THE  
27 SECRETARY CONFIRMS THAT THE PROPERTY SUBJECT TO THE TITLE EXAMINATION  
28 IS THE PROPERTY IDENTIFIED IN THE REAL PROPERTY ACP NOTICE OF A CURRENT  
29 PROGRAM PARTICIPANT.

30 (3) IF THE PROPERTY BELONGS TO AN INDIVIDUAL WHO IS NO

1 LONGER A PROGRAM PARTICIPANT:

2 (I) THE SECRETARY SHALL GIVE WRITTEN NOTICE TO THE  
3 CLERK OF THE APPROPRIATE CIRCUIT COURT AND THE STATE ARCHIVES; AND

4 (II) THE CLERK AND THE STATE ARCHIVES SHALL CEASE  
5 SHIELDING ALL REAL PROPERTY RECORDS RELATING TO THE PROPERTY.

6 3-119.

7 (A) NOTHING IN THIS PART MAY BE INTERPRETED TO REQUIRE:

8 (1) THE SECRETARY TO IDENTIFY OTHER AGENCIES THAT MAY  
9 POSSESS INFORMATION ON A PROGRAM PARTICIPANT; OR

10 (2) THE CLERK OF A CIRCUIT COURT OR ANY STATE OR LOCAL  
11 AGENCY TO INDEPENDENTLY DETERMINE WHETHER THE CLERK OR AGENCY  
12 MAINTAINS INFORMATION ON A PROGRAM PARTICIPANT.

13 (B) NOTHING IN THIS PART MAY BE INTERPRETED TO PROHIBIT THE CLERK  
14 OF A CIRCUIT COURT OR ANY STATE OR LOCAL AGENCY FROM SHARING A PROGRAM  
15 PARTICIPANT'S INFORMATION WITH THE SECRETARY FOR THE PURPOSE OF  
16 FACILITATING COMPLIANCE WITH THIS PART.

17 3-120.

18 THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS PART.

19 Article – State Government

20 7-301.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) “Actual address” means a residential street address, school address, or work  
23 address of an individual as specified on the individual’s application to be a Program  
24 participant under this subtitle.

25 (c) “Disabled person” has the meaning stated in § 13-101 of the Estates and  
26 Trusts Article.

27 (d) “Program” means the Human Trafficking Address Confidentiality Program.

28 (e) “Program participant” means an individual designated as a Program  
29 participant under this subtitle.



1 (f) "Victim of human trafficking" means an individual who has been recruited,  
2 harbored, transported, provided, or obtained for labor, services, or a sexual act through the  
3 use of force, fraud, or coercion.

4 7-302.

5 The purpose of this subtitle is to enable:

6 (1) State and local agencies to respond to requests for public records  
7 without disclosing the location of a victim of human trafficking;

8 (2) interagency cooperation in providing address confidentiality for victims  
9 of human trafficking; [and]

10 (3) State and local agencies **AND PRIVATE ENTITIES** to accept a Program  
11 participant's use of an address designated by the Office of the Secretary of State as a  
12 substitute address; **AND**

13 **(4) A PROGRAM PARTICIPANT TO USE AN ADDRESS DESIGNATED BY**  
14 **THE OFFICE OF THE SECRETARY OF STATE AS A SUBSTITUTE ADDRESS FOR ALL**  
15 **PURPOSES.**

16 7-303.

17 The Secretary of State shall establish and administer a Human Trafficking Address  
18 Confidentiality Program for victims of human trafficking.

19 7-304.

20 (a) The following individuals may apply to participate in the Program:

21 (1) an individual acting on the individual's own behalf;

22 (2) a parent or guardian acting on behalf of a minor who resides with the  
23 parent or guardian; or

24 (3) a guardian acting on behalf of a disabled person.

25 (b) An application to participate in the Program shall be in the form required by  
26 the Secretary of State and shall contain:

27 (1) a statement that:

28 (i) the applicant is a victim of human trafficking; and

- 1 (ii) the applicant fears for the applicant's safety or the safety of the  
2 applicant's child;
- 3 (2) evidence that the applicant is a victim of human trafficking, including:
- 4 (i) certified law enforcement, court, or other federal or State agency  
5 records or files;
- 6 (ii) documentation from a human trafficking prevention or  
7 assistance program; or
- 8 (iii) documentation from a religious, medical, or other professional  
9 from whom the applicant has sought assistance or treatment as a victim of human  
10 trafficking;
- 11 (3) a statement that disclosure of the applicant's actual address would  
12 endanger the applicant's safety or the safety of the applicant's child;
- 13 (4) a knowing and voluntary designation of the Secretary of State as agent  
14 for purposes of service of process and receipt of first-class, certified, or registered mail;
- 15 (5) the mailing address and telephone number at which the applicant may  
16 be contacted by the Secretary of State;
- 17 (6) the actual address that the applicant requests not be disclosed by the  
18 Secretary of State because it would increase the risk of human trafficking or other crimes;
- 19 (7) a sworn statement by the applicant that, to the best of the applicant's  
20 knowledge, all the information contained in the application is true;
- 21 (8) the signature of the applicant and the date on which the applicant  
22 signed the application; and
- 23 (9) a voluntary release and waiver of all future claims against the State  
24 that may arise from participation in the Program except for a claim based on gross  
25 negligence.
- 26 (c) (1) (i) On the filing of a properly completed application and release, the  
27 Secretary of State shall:
- 28 1. review the application and release; and
- 29 2. if the application and release are properly completed and  
30 accurate, designate the applicant as a Program participant.
- 31 (ii) An applicant shall be a participant for 4 years from the date of  
32 filing unless the participation is canceled or withdrawn prior to the end of the 4-year

1 period.

2 (2) A Program participant may withdraw from participation by filing a  
3 signed, notarized request for withdrawal with the Secretary of State.

4 7-305.

5 (a) If an applicant falsely attests in an application that disclosure of the  
6 applicant's actual address would endanger the applicant's safety or the safety of the  
7 applicant's child or knowingly provides false information when applying for participation  
8 or renewal of participation in the Program, the applicant shall no longer be allowed to  
9 participate in the Program.

10 (b) A person may not knowingly make a false attestation or knowingly provide  
11 false information in an application in violation of subsection (a) of this section.

12 (c) A person who violates subsection (b) of this section is guilty of a misdemeanor  
13 and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding  
14 \$500 or both.

15 7-306.

16 (a) If a Program participant obtains a legal name change, the Program  
17 participant shall notify the Secretary of State within 30 days and provide the Secretary of  
18 State with a certified copy of any judgment or order evidencing the change or any other  
19 documentation the Secretary of State considers to be sufficient evidence of the change.

20 (b) If a Program participant makes a change in address or telephone number from  
21 an address or a telephone number listed on the Program participant's application, the  
22 Program participant shall notify the Secretary of State at least 7 days before the change  
23 occurs.

24 7-307.

25 (a) The Secretary of State shall cancel the participation of a Program participant  
26 if:

27 (1) the Program participant fails to notify the Secretary of State of any  
28 legal name change or change in address or telephone number in the manner required by §  
29 7-306 of this subtitle;

30 (2) the Program participant files a request for withdrawal of participation  
31 under § 7-304(c)(2) of this subtitle;

32 (3) the Program participant submits false information in applying for  
33 participation in the Program in violation of § 7-305 of this subtitle; or

1 (4) the Secretary of State forwards mail to the Program participant and the  
2 mail is returned as undeliverable.

3 (b) The Secretary of State shall send notice of any cancellation of participation in  
4 the Program to the participant and shall set forth the reason for cancellation.

5 (c) A Program participant may appeal any cancellation decision by filing an  
6 appeal with the Secretary of State within 30 days after the date of the notice of cancellation  
7 in accordance with procedures developed by the Secretary of State.

8 (d) (1) An individual who ceases to be a Program participant is responsible for  
9 notifying any person who uses the substitute address designated by the Secretary of State  
10 that the substitute address is no longer valid.

11 (2) IF AN INDIVIDUAL HAS REQUESTED THE SHIELDING OF PROPERTY  
12 RECORDS IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL  
13 PROPERTY ARTICLE, THE SECRETARY OF STATE SHALL GIVE WRITTEN NOTICE TO  
14 THE CLERK OF THE CIRCUIT COURT WITHIN 30 DAYS AFTER THE INDIVIDUAL CEASES  
15 TO BE A PROGRAM PARTICIPANT.

16 7-308.

17 (a) (1) A Program participant may make a request to any PERSON OR State  
18 or local agency to use a substitute address designated by the Secretary of State as the  
19 Program participant's address.

20 [(b)] (2) Subject to subsection (c) of this section, when a Program participant has  
21 made a request to a PERSON OR State or local agency under [subsection (a) of this section]  
22 THIS SUBSECTION, the [State or local] PERSON OR agency shall use the substitute  
23 address designated by the Secretary of State as [a] THE Program participant's address.

24 (B) A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP INTEREST IN  
25 REAL PROPERTY WHILE PARTICIPATING IN THE PROGRAM MAY REQUEST THE  
26 SHIELDING OF REAL PROPERTY RECORDS CONCERNING THE PROPERTY IN  
27 ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL PROPERTY  
28 ARTICLE.

29 (c) (1) A State or local agency that has a bona fide statutory or administrative  
30 requirement for using a Program participant's actual address may apply to the Secretary  
31 of State for a waiver from the requirements of the Program.

32 (2) If the Secretary of State approves the waiver, the State or local agency  
33 shall use the Program participant's actual address only for the required statutory or  
34 administrative purposes.

35 7-309.

1 (a) (1) Each local board of elections shall use a Program participant's actual  
2 address for all election-related purposes.

3 (2) A Program participant may not use the substitute address designated  
4 by the Secretary of State as the Program participant's address for voter registration  
5 purposes.

6 (b) A local board of elections may not make a Program participant's address  
7 contained in voter registration records available for public inspection or copying except:

8 (1) on request by a law enforcement agency for law enforcement purposes;  
9 and

10 (2) as directed by a court order to disclose the address.

11 7-310.

12 (a) Except as otherwise provided by this subtitle, a record of a Program  
13 participant's actual address and telephone number maintained by the Secretary of State or  
14 a State or local agency is not a public record within the meaning of § 4-101 of the General  
15 Provisions Article.

16 (b) The Secretary of State may not disclose a Program participant's actual  
17 address or telephone number or substitute address except as provided in subsection (c) of  
18 this section and:

19 (1) (i) on request by a law enforcement agency for law enforcement  
20 purposes; and

21 (ii) as directed by a court order; or

22 (2) on request by a State or local agency to verify a Program participant's  
23 participation in the Program or substitute address for use under § 7-308 of this subtitle.

24 (c) The Secretary of State shall notify the appropriate court of a Program  
25 participant's participation in the Program and of the substitute address designated by the  
26 Secretary of State if the Program participant:

27 (1) is subject to a court order or an administrative order;

28 (2) is involved in a court action or an administrative action; or

29 (3) is a witness or a party in a civil or criminal proceeding.

30 7-311.

1 (a) A person may not knowingly and intentionally obtain a Program participant's  
2 actual address or telephone number from the Secretary of State [or], **THE CLERK OF A**  
3 **CIRCUIT COURT**, any agency, **OR ANY PRIVATE ENTITY** without authorization to obtain  
4 the information.

5 (b) (1) This subsection applies only when [an employee of the Secretary of  
6 State] **A PERSON**:

7 (i) obtains a Program participant's actual address or telephone  
8 number during the course of the [employee's] **PERSON'S** official duties; and

9 (ii) at the time of disclosure, has specific knowledge that the actual  
10 address or telephone number belongs to a Program participant.

11 (2) [An employee of the Secretary of State or any State or local agency] **A**  
12 **PERSON** may not knowingly and intentionally disclose a Program participant's actual  
13 address or telephone number to another person unless the disclosure is authorized by law.

14 (c) (1) **IF AN INDIVIDUAL WHO IS A PROGRAM PARTICIPANT NOTIFIES A**  
15 **PERSON IN WRITING ON A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT**  
16 **STATES THE REQUIREMENTS OF THE PROGRAM AND THAT THE INDIVIDUAL IS A**  
17 **PROGRAM PARTICIPANT, THE PERSON MAY NOT KNOWINGLY DISCLOSE THE**  
18 **PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL**  
19 **ADDRESS UNLESS:**

20 (I) **THE PERSON TO WHOM THE ADDRESS IS DISCLOSED ALSO**  
21 **LIVES, WORKS, OR GOES TO SCHOOL AT THE DISCLOSED ADDRESS; OR**

22 (II) **THE PROGRAM PARTICIPANT HAS PROVIDED WRITTEN**  
23 **CONSENT TO THE DISCLOSURE OF THE PROGRAM PARTICIPANT'S NAME, HOME**  
24 **ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS FOR THE PURPOSE FOR WHICH**  
25 **THE DISCLOSURE WILL BE MADE.**

26 (2) **A PERSON THAT RECEIVES NOTICE AS PROVIDED UNDER**  
27 **PARAGRAPH (1) OF THIS SUBSECTION IS PRESUMED TO HAVE SPECIFIC KNOWLEDGE**  
28 **THAT THE DISCLOSED HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS**  
29 **BELONGS TO THE PROGRAM PARTICIPANT.**

30 (D) A person who violates this section is guilty of a misdemeanor and on conviction  
31 is subject to a fine not exceeding \$2,500.

32 **7-312.**

33 (A) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SERVICE OF**

1 PROCESS ON AN INDIVIDUAL BY A PERSON OR AN AGENCY THAT HAS RECEIVED  
2 NOTICE THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT SHALL BE MADE IN  
3 ACCORDANCE WITH THIS SECTION.

4 (B) SERVICE OF PROCESS SHALL BE MADE:

5 (1) IN PERSON ON THE PROGRAM PARTICIPANT; OR

6 (2) BY MAIL ON THE SECRETARY OF STATE.

7 (C) IF SERVICE BY PUBLICATION IS REQUIRED, SERVICE IS VALID IF:

8 (1) THE PUBLICATION OMITTS THE NAME OF THE PROGRAM  
9 PARTICIPANT; AND

10 (2) THE SECRETARY OF STATE HAS BEEN SERVED IN ACCORDANCE  
11 WITH SUBSECTION (B)(2) OF THIS SECTION.

12 [7-312.] 7-313.

13 The Secretary of State shall adopt regulations to carry out the provisions of this  
14 subtitle.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2018.