

HOUSE BILL 633

N1, D4

8lr2062
CF SB 578

By: ~~Delegate Healey~~ **Delegate Healey, Chair, Environment and Transportation Committee (By Request – Departmental – Secretary of State), and Delegates Anderton, Beidle, Carr, Cassilly, Clark, Flanagan, Folden, Fraser-Hidalgo, Frush, Gilchrist, Holmes, Jacobs, Jalisi, Knotts, Lafferty, R. Lewis, McCray, McMillan, Otto, Robinson, Stein, and Wivell**

Introduced and read first time: January 29, 2018

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2018

CHAPTER _____

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; requiring any person to accept a certain address of a participant in a
11 certain address confidentiality program as the address of the participant; prohibiting
12 a person from requiring a participant in a certain address confidentiality program to
13 submit a certain other address except under certain circumstances; authorizing a
14 financial institution to require a certain request made by a participant in a certain
15 address confidentiality program to be in a certain form; authorizing an individual
16 who acquires an ownership interest in real property while participating in a certain
17 address confidentiality program to request the shielding of real property records
18 concerning the property in accordance with certain provisions of law; prohibiting a
19 person from knowingly and intentionally obtaining the actual address or telephone
20 number of a participant in a certain address confidentiality program from the clerk
21 of the circuit court ~~or any private entity~~ without authorization to obtain the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 information; prohibiting a person from knowingly and intentionally seeking and
2 obtaining the actual address or telephone number of a participant in a certain
3 address confidentiality program from any other person if the person has certain
4 specific knowledge; prohibiting a certain person from knowingly and intentionally
5 disclosing the actual address or telephone number of a participant in a certain
6 address confidentiality program except under certain circumstances; prohibiting a
7 person from knowingly disclosing the name, home address, work address, or school
8 address of a participant in a certain address confidentiality program after receiving
9 a certain notice under certain circumstances; authorizing the person to whom a
10 certain consent is provided to require the consent to be in a certain form; establishing
11 certain rules for service of process and service by publication on a participant in a
12 certain address confidentiality program; requiring a participant in a certain address
13 confidentiality program, or any agent of a program participant, to present a certain
14 notice to the clerk of the circuit court and the appropriate county finance office in
15 order to request the shielding of certain real property records; specifying the contents
16 of the notice; requiring a participant in a certain address confidentiality program to
17 submit a copy of the notice to the Secretary of State; specifying the instruments to
18 which the notice applies; requiring a participant in a certain address confidentiality
19 program to use a separate certain notice for each property in which the participant
20 acquires an ownership interest; requiring the clerk of the circuit court to provide a
21 copy of the notice to certain agencies; providing that the notice is not a public record
22 within the meaning of certain provisions of law; prohibiting a clerk of the circuit
23 court or any State or local agency that receives the notice from disclosing certain
24 information in conjunction with the property identified in the notice, except under
25 certain circumstances; providing that the prohibition on disclosure shall continue
26 until a certain occurrence; requiring the clerks of the circuit courts, in conjunction
27 with the Administrative Office of the Courts, to establish certain uniform statewide
28 procedures for recording deeds and other instruments to comply with this Act;
29 requiring certain agencies to establish procedures for maintaining tax records in
30 accordance with this Act; authorizing the Secretary of State to authorize the
31 disclosure of real property records that have been shielded under certain provisions
32 of law for the purpose of performing a bona fide title examination, under certain
33 circumstances; providing that nothing in this Act may be interpreted to require the
34 Secretary of State to identify other agencies that may possess information on a
35 participant in a certain address confidentiality program or a clerk of the circuit court
36 or other State or local agency to independently determine whether the clerk or
37 agency maintains information on a participant in a certain address confidentiality
38 program; providing that nothing in this Act may be interpreted to prohibit the clerk
39 of the circuit court or any State or local agency from sharing certain information with
40 the Secretary of State for the purpose of facilitating compliance with this Act;
41 requiring the Secretary of State to adopt regulations to carry out certain provisions
42 of law; defining certain terms; providing that compliance with Maryland law in effect
43 immediately preceding the effective date of this Act shall be deemed compliance with
44 this Act until the effective date of certain regulations that the Secretary of State is
45 required to adopt under this Act; providing for a delayed effective date; and generally
46 relating to address confidentiality programs administered by the Secretary of State.

- 1 BY repealing and reenacting, without amendments,
2 Article – Family Law
3 Section 4–519, 4–521 through 4–524, 4–527, and 4–528
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2017 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section 4–520, 4–525, 4–526, 4–529, and 4–530
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2017 Supplement)
- 11 BY adding to
12 Article – Family Law
13 Section 4–530
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2017 Supplement)
- 16 BY adding to
17 Article – Real Property
18 New part designation “Part I. General Provisions” to immediately precede Section
19 3–101; and Section 3–114 through 3–120 to be under the new part “Part II.
20 Recordation of Instruments for Address Confidentiality Program
21 Participants”
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2017 Supplement)
- 24 BY repealing and reenacting, without amendments,
25 Article – State Government
26 Section 7–301, 7–303 through 7–306, 7–309, and 7–310
27 Annotated Code of Maryland
28 (2014 Replacement Volume and 2017 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article – State Government
31 Section 7–302, 7–307, 7–308, 7–311, and 7–312
32 Annotated Code of Maryland
33 (2014 Replacement Volume and 2017 Supplement)
- 34 BY adding to
35 Article – State Government
36 Section 7–312
37 Annotated Code of Maryland
38 (2014 Replacement Volume and 2017 Supplement)

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

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

6 **Article – Family Law**

7 4–519.

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

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

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

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

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

18 4–520.

19 The purpose of this part is to enable:

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

22 (2) interagency cooperation in providing address confidentiality for victims
23 of domestic violence; [and]

24 (3) State and local agencies **AND PRIVATE ENTITIES** to accept a Program
25 participant’s use of an address designated by the Office of the Secretary of State as a
26 substitute address; **AND**

27 (4) **A PROGRAM PARTICIPANT TO USE AN ADDRESS DESIGNATED BY**
28 **THE OFFICE OF THE SECRETARY OF STATE AS A SUBSTITUTE ADDRESS ~~FOR ALL~~**
29 **~~PURPOSES.~~**

30 4–521.

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

3 4-522.

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

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

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

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

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

11 (1) a statement that:

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

13 (ii) the applicant fears for the applicant's safety or the safety of the
14 applicant's child;

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

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

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

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

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

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

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

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

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

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

7 (9) the signature of the applicant and the date on which the applicant
8 signed the application; and

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

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

14 1. review the application and release; and

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

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

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

22 4-523.

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

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

30 (c) A person who violates subsection (b) of this section is guilty of a misdemeanor
31 and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
32 \$500 or both.

33 4-524.

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

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

9 4-525.

10 (a) The Secretary of State shall cancel the participation of a Program participant
11 if:

12 (1) the Program participant fails to notify the Secretary of State of any
13 legal name change or change in address or telephone number in the manner required by §
14 4-524 of this part;

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

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

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

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

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

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

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

34 4-526.

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

4 [(b)] (2) Subject to ~~subsection (e)~~ SUBSECTIONS (B) AND (D) of this section,
5 when a Program participant has made a request to a PERSON OR State or local agency
6 under [subsection (a) of this section] **THIS SUBSECTION**, the [State or local] PERSON OR
7 agency shall use the substitute address designated by the Secretary of State as [a] THE
8 Program participant's address.

9 (B) (1) (I) WHEN A PROGRAM PARTICIPANT PRESENTS THE ADDRESS
10 DESIGNATED BY THE SECRETARY OF STATE TO ANY PERSON, THAT ADDRESS MUST
11 BE ACCEPTED AS THE ADDRESS OF THE PROGRAM PARTICIPANT.

12 (II) A PERSON MAY NOT REQUIRE A PROGRAM PARTICIPANT TO
13 SUBMIT ANY ADDRESS THAT COULD BE USED TO PHYSICALLY LOCATE THE
14 PROGRAM PARTICIPANT EITHER AS A SUBSTITUTE OR IN ADDITION TO THE
15 DESIGNATED ADDRESS, OR AS A CONDITION OF RECEIVING A SERVICE OR BENEFIT,
16 UNLESS THE SERVICE OR BENEFIT WOULD BE IMPOSSIBLE TO PROVIDE WITHOUT
17 KNOWLEDGE OF THE PROGRAM PARTICIPANT'S PHYSICAL LOCATION.

18 (2) A BANK, A CREDIT UNION, ANY OTHER DEPOSITORY INSTITUTION,
19 OR ANY OTHER FINANCIAL INSTITUTION WITHIN THE MEANING OF § 1-101 OF THE
20 FINANCIAL INSTITUTIONS ARTICLE MAY REQUIRE A REQUEST MADE UNDER
21 SUBSECTION (A) OF THIS SECTION TO BE IN WRITING AND ON A FORM PRESCRIBED
22 BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM
23 PARTICIPANT.

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

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

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.

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

5 **(2) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY SEEK AND**
6 **OBTAIN A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER**
7 **FROM ANY OTHER PERSON IF, AT THE TIME OF OBTAINING THE INFORMATION, THE**
8 **PERSON HAS SPECIFIC KNOWLEDGE THAT THE ACTUAL ADDRESS OR TELEPHONE**
9 **NUMBER BELONGS TO A PROGRAM PARTICIPANT.**

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

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

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

16 (2) [An employee of the Secretary of State or any agency] **A PERSON** may
17 not knowingly and intentionally disclose a Program participant's actual address or
18 telephone number to another person unless the disclosure is authorized by law,
19 **INCLUDING AS AUTHORIZED BY SUBSECTION (C) OF THIS SECTION.**

20 (c) **(1) IF AN INDIVIDUAL WHO IS A PROGRAM PARTICIPANT NOTIFIES A**
21 **PERSON IN WRITING ON A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT**
22 **STATES THE REQUIREMENTS OF THE PROGRAM AND THAT THE INDIVIDUAL IS A**
23 **PROGRAM PARTICIPANT, THE PERSON MAY NOT KNOWINGLY DISCLOSE THE**
24 **PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL**
25 **ADDRESS UNLESS:**

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

28 **(II) THE PROGRAM PARTICIPANT HAS PROVIDED WRITTEN**
29 **CONSENT TO THE DISCLOSURE OF THE PROGRAM PARTICIPANT'S NAME, HOME**
30 **ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS FOR THE PURPOSE FOR WHICH**
31 **THE DISCLOSURE WILL BE MADE.**

32 **(2) THE PERSON TO WHOM WRITTEN CONSENT IS PROVIDED UNDER**
33 **PARAGRAPH (1)(II) OF THIS SUBSECTION:**

1 **(I) MAY REQUIRE THE CONSENT TO BE IN A PARTICULAR FORM**
 2 **ACCEPTABLE TO THE PERSON AND THE PROGRAM PARTICIPANT; AND**

3 **(II) SHALL LIMIT ANY DISCLOSURE TO ONLY THOSE**
 4 **DISCLOSURES THAT ARE NECESSARY FOR THE PURPOSE FOR WHICH THE CONSENT**
 5 **IS PROVIDED.**

6 **(3) A PERSON THAT RECEIVES NOTICE AS PROVIDED UNDER**
 7 **PARAGRAPH (1) OF THIS SUBSECTION IS PRESUMED TO HAVE SPECIFIC KNOWLEDGE**
 8 **THAT THE DISCLOSED HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS**
 9 **BELONGS TO THE PROGRAM PARTICIPANT.**

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

12 **4-530.**

13 **(A) (1) IN THIS SECTION, “NOTICE” MEANS, FOR A PERSON DESCRIBED IN**
 14 **§ 4-526(B)(2) OF THIS SUBTITLE, RECEIPT OF WRITTEN NOTIFICATION ON A FORM**
 15 **PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A**
 16 **PROGRAM PARTICIPANT.**

17 **(2) “NOTICE” INCLUDES RECEIPT OF WRITTEN NOTIFICATION ON A**
 18 **FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS**
 19 **A PROGRAM PARTICIPANT.**

20 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SERVICE OF**
 21 **PROCESS ON AN INDIVIDUAL BY A PERSON OR AN AGENCY THAT HAS RECEIVED**
 22 **NOTICE THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT SHALL BE MADE IN**
 23 **ACCORDANCE WITH THIS SECTION.**

24 ~~**(B)**~~ **(C)** **SERVICE OF PROCESS SHALL BE MADE:**

25 **(1) IN PERSON ON THE PROGRAM PARTICIPANT; OR**

26 **(2) BY MAIL ON THE SECRETARY OF STATE.**

27 ~~**(C)**~~ **(D)** **IF SERVICE BY PUBLICATION IS REQUIRED, SERVICE IS VALID IF:**

28 **(1) THE PUBLICATION OMITTS THE NAME OF THE PROGRAM**
 29 **PARTICIPANT; AND**

30 **(2) THE SECRETARY OF STATE HAS BEEN SERVED IN ACCORDANCE**
 31 **WITH SUBSECTION ~~**(B)**~~ **(C)(2)** OF THIS SECTION.**

1 [4-530.] 4-531.

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

3 **Article – Real Property**

4 **3-112. RESERVED.**

5 **3-113. RESERVED.**

6 **PART II. RECORDATION OF INSTRUMENTS FOR ADDRESS CONFIDENTIALITY**
7 **PROGRAM PARTICIPANTS.**

8 **3-114.**

9 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) “ACP NUMBER” MEANS THE UNIQUE IDENTIFICATION NUMBER
12 ASSIGNED TO EACH PROGRAM PARTICIPANT BY THE SECRETARY.

13 (C) “ACTUAL ADDRESS” MEANS A RESIDENTIAL STREET ADDRESS, SCHOOL
14 ADDRESS, OR WORK ADDRESS OF AN INDIVIDUAL, AS SPECIFIED ON THE
15 INDIVIDUAL’S APPLICATION TO BE A PROGRAM PARTICIPANT UNDER TITLE 4,
16 SUBTITLE 5, PART IV OF THE FAMILY LAW ARTICLE OR TITLE 7, SUBTITLE 3 OF
17 THE STATE GOVERNMENT ARTICLE.

18 (D) “ADDRESS CONFIDENTIALITY PROGRAM” MEANS:

19 (1) THE ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF
20 DOMESTIC VIOLENCE ADMINISTERED BY THE SECRETARY OF STATE UNDER TITLE
21 4, SUBTITLE 5, PART IV OF THE FAMILY LAW ARTICLE; OR

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

25 (E) (1) “IDENTITY INFORMATION” MEANS INFORMATION THAT MAY BE
26 USED TO IDENTIFY A PROGRAM PARTICIPANT.

27 (2) “IDENTITY INFORMATION” INCLUDES A PROGRAM
28 PARTICIPANT’S:

29 (I) NAME;

- 1 (II) PHONE NUMBER;
- 2 (III) E-MAIL ADDRESS;
- 3 (IV) SOCIAL SECURITY NUMBER; AND
- 4 (V) DRIVER'S LICENSE NUMBER.

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

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

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

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

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

16 (K) "SHIELDING" MEANS, WITH RESPECT TO A REAL PROPERTY RECORD
17 ACCEPTED FOR RECORDING BY A CLERK OF THE CIRCUIT COURT OR A STATE OR
18 LOCAL AGENCY, REMOVING THE RECORD TO A SEPARATE SECURE AREA TO WHICH
19 PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED
20 ACCESS.

21 3-115.

22 (A) A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP INTEREST IN
23 REAL PROPERTY WHILE PARTICIPATING IN AN ADDRESS CONFIDENTIALITY
24 PROGRAM MAY REQUEST THE SHIELDING OF REAL PROPERTY RECORDS
25 CONCERNING THE PROPERTY IN ACCORDANCE WITH THIS SECTION.

26 (B) (1) TO REQUEST THE SHIELDING OF REAL PROPERTY RECORDS, A
27 PROGRAM PARTICIPANT, OR ANY AGENT OF A PROGRAM PARTICIPANT, SHALL
28 SUBMIT TO THE CLERK OF THE CIRCUIT COURT AND THE APPROPRIATE COUNTY
29 FINANCE OFFICE:

30 (I) A REAL PROPERTY ACP NOTICE;

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

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

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

6 (I) THE FULL LEGAL NAME OF THE PROGRAM PARTICIPANT,
7 INCLUDING MIDDLE NAME;

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

9 (III) THE SUBSTITUTE ADDRESS DESIGNATED BY THE
10 SECRETARY AS THE PROGRAM PARTICIPANT'S ADDRESS;

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

14 (V) THE SIGNATURE OF THE PROGRAM PARTICIPANT.

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

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

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

21 (2) ANY OTHER INSTRUMENT CONCERNING THE PROPERTY
22 IDENTIFIED IN THE REAL PROPERTY ACP NOTICE THAT IS SUBSEQUENTLY
23 PRESENTED FOR RECORDATION DURING THE PERIOD OF TIME THAT THE PROGRAM
24 PARTICIPANT HOLDS A RECORD INTEREST IN THE PROPERTY AND IS A PROGRAM
25 PARTICIPANT.

26 (D) A PROGRAM PARTICIPANT SHALL USE A SEPARATE REAL PROPERTY
27 ACP NOTICE FOR EACH PROPERTY IN WHICH THE PROGRAM PARTICIPANT
28 ACQUIRES AN OWNERSHIP INTEREST.

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

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

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

9 **3-116.**

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

15 **(B) A PROGRAM PARTICIPANT'S IDENTITY INFORMATION MAY BE**
16 **DISCLOSED IN CONJUNCTION WITH A PROPERTY IDENTIFIED IN A REAL PROPERTY**
17 **ACP NOTICE IF:**

18 **(1) THE PROGRAM PARTICIPANT CONSENTS TO THE DISCLOSURE FOR**
19 **A SPECIFIC PURPOSE IDENTIFIED IN A WRITING ACKNOWLEDGED BY THE PROGRAM**
20 **PARTICIPANT;**

21 **(2) THE INFORMATION IS SUBJECT TO DISCLOSURE IN ACCORDANCE**
22 **WITH A COURT ORDER; OR**

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

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

26 **(1) THE PROGRAM PARTICIPANT CONSENTS TO THE TERMINATION OF**
27 **THE REAL PROPERTY ACP NOTICE IN A WRITING ACKNOWLEDGED BY THE**
28 **PROGRAM PARTICIPANT;**

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

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

1 (4) THE SECRETARY GIVES WRITTEN NOTICE TO THE CLERK OF THE
2 CIRCUIT COURT THAT THE INDIVIDUAL NAMED IN THE REAL PROPERTY ACP
3 NOTICE IS NO LONGER A PROGRAM PARTICIPANT.

4 3-117.

5 (A) (1) THE CLERKS OF THE CIRCUIT COURTS, IN CONJUNCTION WITH
6 THE ADMINISTRATIVE OFFICE OF THE COURTS, SHALL ESTABLISH UNIFORM
7 STATEWIDE PROCEDURES FOR RECORDING DEEDS AND OTHER INSTRUMENTS TO
8 COMPLY WITH THIS PART.

9 (2) THE PROCEDURES SHALL, AT A MINIMUM, INCLUDE PROVISIONS
10 FOR:

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

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

16 (3) NOTHING IN THIS SECTION MAY BE INTERPRETED TO PROHIBIT A
17 CLERK OF THE CIRCUIT COURT FROM RETURNING AN ORIGINAL DEED OR ANY
18 OTHER INSTRUMENT TO THE ~~INDIVIDUAL~~ PERSON WHO SUBMITTED THE
19 INSTRUMENT FOR RECORDATION.

20 (B) ALL STATE AND LOCAL AGENCIES, INCLUDING THE STATE
21 DEPARTMENT OF ASSESSMENTS AND TAXATION AND ALL COUNTY, BICOUNTY,
22 MUNICIPAL, AND SPECIAL TAXING DISTRICT FINANCE OFFICES, SHALL ESTABLISH
23 UNIFORM PROCEDURES FOR MAINTAINING RECORDS, INCLUDING TAX, UTILITY, AND
24 ZONING RECORDS, IN ACCORDANCE WITH THIS PART.

25 3-118.

26 (A) ON REQUEST, THE SECRETARY MAY AUTHORIZE THE DISCLOSURE OF
27 REAL PROPERTY RECORDS THAT HAVE BEEN SHIELDED UNDER §
28 3-116 OF THIS SUBTITLE FOR THE PURPOSE OF PERFORMING A BONA FIDE TITLE
29 EXAMINATION.

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

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

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

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

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

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

9 (6) THE INDIVIDUAL'S SIGNATURE; AND

10 (7) ANY OTHER INFORMATION REQUIRED BY THE SECRETARY TO
11 RESPOND TO THE REQUEST.

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

15 (2) THE SECRETARY SHALL APPROVE THE REQUEST ONLY IF THE
16 SECRETARY CONFIRMS THAT THE PROPERTY SUBJECT TO THE TITLE EXAMINATION
17 IS THE PROPERTY IDENTIFIED IN THE REAL PROPERTY ACP NOTICE OF A CURRENT
18 PROGRAM PARTICIPANT.

19 (3) IF THE PROPERTY BELONGS TO AN INDIVIDUAL WHO IS NO
20 LONGER A PROGRAM PARTICIPANT:

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

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

25 3-119.

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

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

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

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

7 7-303.

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

10 7-304.

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

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

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

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

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

18 (1) a statement that:

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

20 (ii) the applicant fears for the applicant's safety or the safety of the
21 applicant's child;

22 (2) evidence that the applicant is a victim of human trafficking, including:

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

25 (ii) documentation from a human trafficking prevention or
26 assistance program; or

27 (iii) documentation from a religious, medical, or other professional
28 from whom the applicant has sought assistance or treatment as a victim of human
29 trafficking;

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

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

5 (5) the mailing address and telephone number at which the applicant may
6 be contacted by the Secretary of State;

7 (6) the actual address that the applicant requests not be disclosed by the
8 Secretary of State because it would increase the risk of human trafficking or other crimes;

9 (7) a sworn statement by the applicant that, to the best of the applicant's
10 knowledge, all the information contained in the application is true;

11 (8) the signature of the applicant and the date on which the applicant
12 signed the application; and

13 (9) a voluntary release and waiver of all future claims against the State
14 that may arise from participation in the Program except for a claim based on gross
15 negligence.

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

18 1. review the application and release; and

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

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

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

26 7-305.

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

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

1 (c) A person who violates subsection (b) of this section is guilty of a misdemeanor
2 and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
3 \$500 or both.

4 7-306.

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

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

13 7-307.

14 (a) The Secretary of State shall cancel the participation of a Program participant
15 if:

16 (1) the Program participant fails to notify the Secretary of State of any
17 legal name change or change in address or telephone number in the manner required by §
18 7-306 of this subtitle;

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

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

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

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

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

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

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

6 7-308.

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

10 **[(b)] (2) Subject to ~~subsection (e)~~ SUBSECTIONS (B) AND (D) of this section,**
11 **when a Program participant has made a request to a PERSON OR State or local agency**
12 **under [subsection (a) of this section] THIS SUBSECTION, the [State or local] PERSON OR**
13 **agency shall use the substitute address designated by the Secretary of State as [a] THE**
14 **Program participant's address.**

15 **(B) (1) (I) WHEN A PROGRAM PARTICIPANT PRESENTS THE ADDRESS**
16 **DESIGNATED BY THE SECRETARY OF STATE TO ANY PERSON, THAT ADDRESS MUST**
17 **BE ACCEPTED AS THE ADDRESS OF THE PROGRAM PARTICIPANT.**

18 **(II) A PERSON MAY NOT REQUIRE A PROGRAM PARTICIPANT TO**
19 **SUBMIT ANY ADDRESS THAT COULD BE USED TO PHYSICALLY LOCATE THE**
20 **PROGRAM PARTICIPANT EITHER AS A SUBSTITUTE OR IN ADDITION TO THE**
21 **DESIGNATED ADDRESS, OR AS A CONDITION OF RECEIVING A SERVICE OR BENEFIT,**
22 **UNLESS THE SERVICE OR BENEFIT WOULD BE IMPOSSIBLE TO PROVIDE WITHOUT**
23 **KNOWLEDGE OF THE PROGRAM PARTICIPANT'S PHYSICAL LOCATION.**

24 **(2) A BANK, A CREDIT UNION, ANY OTHER DEPOSITORY INSTITUTION,**
25 **OR ANY OTHER FINANCIAL INSTITUTION WITHIN THE MEANING OF § 1-101 OF THE**
26 **FINANCIAL INSTITUTIONS ARTICLE MAY REQUIRE A REQUEST MADE UNDER**
27 **SUBSECTION (A) OF THIS SECTION TO BE IN WRITING AND ON A FORM PRESCRIBED**
28 **BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A PROGRAM**
29 **PARTICIPANT.**

30 **~~(B)~~ (C) A PROGRAM PARTICIPANT WHO ACQUIRES AN OWNERSHIP**
31 **INTEREST IN REAL PROPERTY WHILE PARTICIPATING IN THE PROGRAM MAY**
32 **REQUEST THE SHIELDING OF REAL PROPERTY RECORDS CONCERNING THE**
33 **PROPERTY IN ACCORDANCE WITH TITLE 3, SUBTITLE 1, PART II OF THE REAL**
34 **PROPERTY ARTICLE.**

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

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

7 7-309.

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

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

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

15 (1) on request by a law enforcement agency for law enforcement purposes;
16 and

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

18 7-310.

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

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

26 (1) (i) on request by a law enforcement agency for law enforcement
27 purposes; and

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

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

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

- 1 (1) is subject to a court order or an administrative order;
- 2 (2) is involved in a court action or an administrative action; or
- 3 (3) is a witness or a party in a civil or criminal proceeding.

4 7-311.

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

9 **(2) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY SEEK AND**
10 **OBTAIN A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER**
11 **FROM ANY OTHER PERSON IF, AT THE TIME OF OBTAINING THE INFORMATION, THE**
12 **PERSON HAS SPECIFIC KNOWLEDGE THAT THE ACTUAL ADDRESS OR TELEPHONE**
13 **NUMBER BELONGS TO A PROGRAM PARTICIPANT.**

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

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

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

20 (2) [An employee of the Secretary of State or any State or local agency] **A**
21 **PERSON** may not knowingly and intentionally disclose a Program participant's actual
22 address or telephone number to another person unless the disclosure is authorized by law,
23 **INCLUDING AS AUTHORIZED BY SUBSECTION (C) OF THIS SECTION.**

24 (c) **(1) IF AN INDIVIDUAL WHO IS A PROGRAM PARTICIPANT NOTIFIES A**
25 **PERSON IN WRITING ON A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT**
26 **STATES THE REQUIREMENTS OF THE PROGRAM AND THAT THE INDIVIDUAL IS A**
27 **PROGRAM PARTICIPANT, THE PERSON MAY NOT KNOWINGLY DISCLOSE THE**
28 **PROGRAM PARTICIPANT'S NAME, HOME ADDRESS, WORK ADDRESS, OR SCHOOL**
29 **ADDRESS UNLESS:**

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

1 **(II) THE PROGRAM PARTICIPANT HAS PROVIDED WRITTEN**
2 **CONSENT TO THE DISCLOSURE OF THE PROGRAM PARTICIPANT’S NAME, HOME**
3 **ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS FOR THE PURPOSE FOR WHICH**
4 **THE DISCLOSURE WILL BE MADE.**

5 **(2) THE PERSON TO WHOM WRITTEN CONSENT IS PROVIDED UNDER**
6 **PARAGRAPH (1)(II) OF THIS SUBSECTION:**

7 **(I) MAY REQUIRE THE CONSENT TO BE IN A PARTICULAR FORM**
8 **ACCEPTABLE TO THE PERSON AND THE PROGRAM PARTICIPANT; AND**

9 **(II) SHALL LIMIT ANY DISCLOSURE TO ONLY THOSE**
10 **DISCLOSURES THAT ARE NECESSARY FOR THE PURPOSE FOR WHICH THE CONSENT**
11 **IS PROVIDED.**

12 **(3) A PERSON THAT RECEIVES NOTICE AS PROVIDED UNDER**
13 **PARAGRAPH (1) OF THIS SUBSECTION IS PRESUMED TO HAVE SPECIFIC KNOWLEDGE**
14 **THAT THE DISCLOSED HOME ADDRESS, WORK ADDRESS, OR SCHOOL ADDRESS**
15 **BELONGS TO THE PROGRAM PARTICIPANT.**

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

18 **7-312.**

19 **(A) (1) IN THIS SECTION, “NOTICE” MEANS, FOR A PERSON DESCRIBED IN**
20 **§ 7-308(B)(2) OF THIS SUBTITLE, RECEIPT OF WRITTEN NOTIFICATION ON A FORM**
21 **PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS A**
22 **PROGRAM PARTICIPANT.**

23 **(2) “NOTICE” INCLUDES RECEIPT OF WRITTEN NOTIFICATION ON A**
24 **FORM PRESCRIBED BY THE SECRETARY OF STATE IDENTIFYING AN INDIVIDUAL AS**
25 **A PROGRAM PARTICIPANT.**

26 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SERVICE OF**
27 **PROCESS ON AN INDIVIDUAL BY A PERSON OR AN AGENCY THAT HAS RECEIVED**
28 **NOTICE THAT THE INDIVIDUAL IS A PROGRAM PARTICIPANT SHALL BE MADE IN**
29 **ACCORDANCE WITH THIS SECTION.**

30 ~~(B)~~ **(C) SERVICE OF PROCESS SHALL BE MADE:**

31 **(1) IN PERSON ON THE PROGRAM PARTICIPANT; OR**

32 **(2) BY MAIL ON THE SECRETARY OF STATE.**

1 ~~(C)~~ (D) **IF SERVICE BY PUBLICATION IS REQUIRED, SERVICE IS VALID IF:**

2 **(1) THE PUBLICATION OMITTS THE NAME OF THE PROGRAM**
3 **PARTICIPANT; AND**

4 **(2) THE SECRETARY OF STATE HAS BEEN SERVED IN ACCORDANCE**
5 **WITH SUBSECTION ~~(B)(2)~~ (C)(2) OF THIS SECTION.**

6 **[7-312.] 7-313.**

7 The Secretary of State shall adopt regulations to carry out the provisions of this
8 subtitle.

9 SECTION 3. AND BE IT FURTHER ENACTED, That, until the effective date of the
10 regulations that the Secretary of State is required to adopt under § 4-531 of the Family
11 Law Article, § 3-120 of the Real Property Article, and § 7-313 of the State Government
12 Article, as enacted under Section 2 of this Act, compliance with Maryland law in effect
13 immediately preceding the effective date of this Act shall be deemed to be compliance with
14 this Act.

15 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 ~~October 1, 2018~~ January 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.