

HOUSE BILL NO. 2525

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

5605H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 28, RSMo, by adding thereto nine new sections relating to the expanded address confidentiality program.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 28, RSMo, is amended by adding thereto nine new sections, to be known as sections 28.800, 28.802, 28.804, 28.806, 28.808, 28.810, 28.812, 28.814, and 28.816, to read as follows:

28.800. As used in sections 28.800 to 28.816, the following terms mean:

(1) "Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;

(2) "Designated address", the street address of the courthouse in the county of the person's residence as specified on the person's application to be a program participant;

(3) "Mailing address", an address that is recognized for delivery by the United States Postal Service;

(4) "Program", the expanded address confidentiality program established under section 28.802;

(5) "Program participant", a person certified by the secretary of state as eligible to participate in the expanded address confidentiality program;

(6) "Secretary", the Missouri secretary of state.

28.802. There is created in the office of the secretary of state a program to be known as the "Expanded Address Confidentiality Program" to protect any resident of this state or a member of such person's immediate family; provided that no person shall be eligible for participation in the expanded address confidentiality program if such person

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 is convicted of or pled guilty to a felony offense. The program shall be administered by the
6 secretary under the following application and certification procedures:

7 (1) An adult person, a parent or guardian acting on behalf of a minor, or a
8 guardian acting on behalf of an incapacitated person may apply to the secretary to have
9 a designated address to serve as the address for the person, minor, or incapacitated person;

10 (2) The secretary shall approve an application only if it is filed with the office of the
11 secretary in the manner established by rule and on a form prescribed by the secretary. A
12 completed application shall contain:

13 (a) The application preparation date and the applicant's signature;

14 (b) A designation of the secretary as agent for purposes of service of process and
15 for receipt of first-class mail, legal documents, and certified mail;

16 (c) The mailing address where the applicant may be contacted by the secretary or
17 a designee and the telephone number or numbers where the applicant may be called by the
18 secretary or the secretary's designee; and

19 (d) One or more addresses that the applicant requests not be disclosed;

20 (3) Upon receipt of a properly completed application, the secretary shall certify the
21 applicant as a program participant. A program participant is certified for four years
22 following the date of initial certification unless the certification is withdrawn or cancelled
23 before that date. The secretary shall send notification of lapsing certification and a
24 reapplication form to a program participant at least four weeks prior to the expiration of
25 the program participant's certification; and

26 (4) The secretary shall forward first class mail, legal documents, and certified mail
27 to the appropriate program participants.

28.804. Certification of a program participant may be cancelled by the secretary
2 if:

3 (1) The program participant obtains a name change, unless the program
4 participant provides the secretary with documentation of a legal name change within ten
5 business days of the name change;

6 (2) There is a change in the mailing address from the person listed on the
7 application, unless the program participant provides the secretary with notice of the
8 change in such manner as the secretary provides by rule; or

9 (3) The applicant or program participant is convicted of or pleads guilty to a felony.

28.806. Upon demonstration of a program participant's certification in the
2 program, state and local agencies, the courts, and any local entity that allows public access
3 to tax records shall accept the designated address as a program participant's address when
4 creating a new public record unless the secretary determines that:

5 (1) The agency has a bona fide statutory or administrative requirement for the use
6 of the program participant's address or mailing address, such that it is unable to fulfill its
7 statutory duties and obligations without the address; and

8 (2) The program participant's address or mailing address shall be used only for
9 those statutory and administrative purposes.

 28.808. If the secretary deems it appropriate, the secretary may make a program
2 participant's address or mailing address available for inspection or copying under the
3 following circumstances:

4 (1) If requested of the secretary by a law enforcement agency in the manner
5 provided for by rule; or

6 (2) Upon request to the secretary by a director of a state agency or the director's
7 designee in the manner provided for by rule and upon a showing of a bona fide statutory
8 or administrative requirement for the use of the program participant's address or mailing
9 address, such that the director or the director's designee is unable to fulfill statutory duties
10 and obligations without the address or mailing address.

 28.810. If the secretary deems it appropriate, the secretary shall make a program
2 participant's address and mailing address available for inspection or copying:

3 (1) To a person identified in a court order, upon the secretary's receipt of such
4 court order that specifically orders the disclosure of a particular program participant's
5 address and mailing address and the reasons stated for the disclosure; or

6 (2) If the certification has been cancelled because the applicant or program
7 participant was convicted of or pled guilty to a felony offense.

 28.812. A program participant's application and any supporting materials are not
2 a public record and shall be kept confidential by the secretary.

 28.814. The secretary shall promulgate rules to establish and administer the
2 expanded address confidentiality program. Any rule or portion of a rule, as that term is
3 defined in section 536.010, that is created under the authority delegated in sections 28.800
4 to 28.816 shall become effective only if it complies with and is subject to all of the
5 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
6 are nonseverable, and if any of the powers vested with the general assembly pursuant to
7 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
9 proposed or adopted after August 28, 2018, shall be invalid and void.

 28.816. Section 23.253 of the Missouri sunset act shall not apply to any program
2 established under sections 28.800 to 28.816.

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