

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 580

02/14/2013 Authored by Simon and Loeffler
The bill was read for the first time and referred to the Committee on Civil Law
04/02/2013 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
1.2 relating to state government; regulating data protection for victims of violence;
1.3 amending Minnesota Statutes 2012, sections 5B.02; 5B.03, subdivision 1; 5B.04;
1.4 5B.05; 5B.10, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 5B.02, is amended to read:

1.7 5B.02 DEFINITIONS.

1.8 (a) For purposes of this chapter and unless the context clearly requires otherwise, the
1.9 definitions in this section have the meanings given them.

1.10 (b) "Address" means a residential street address, school address, or work address
1.11 of an individual, as specified on the individual's application to be a program participant
1.12 under this chapter.

1.13 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
1.14 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
1.15 524.5-102.

1.16 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision
1.17 2, paragraph (a), and includes a threat of such acts committed against an individual in a
1.18 domestic situation, regardless of whether these acts or threats have been reported to law
1.19 enforcement officers.

1.20 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined
1.21 in section 524.5-102 for whom there is good reason to believe (i) that the eligible person
1.22 is a victim of domestic violence, sexual assault, or stalking, or (ii) that the eligible
1.23 person fears for the person's safety, the safety of another person who resides in the same
1.24 household, or the safety of persons on whose behalf the application is made. An individual

2.1 must reside in Minnesota in order to be an eligible person. A person registered or required
 2.2 to register as a predatory offender under section 243.166 or 243.167, or the law of another
 2.3 jurisdiction, is not an eligible person.

2.4 (f) "Mail" means first class letters and flats delivered via the United States Postal
 2.5 Service, including priority, express, and certified mail, and excluding packages, parcels,
 2.6 periodicals, and catalogues, unless they are clearly identifiable as pharmaceuticals or
 2.7 clearly indicate that they are sent by a state or county government agency.

2.8 (g) "Program participant" means an individual certified as a program participant
 2.9 under section 5B.03.

2.10 (h) "Stalking" means acts criminalized under section 609.749 and includes a threat
 2.11 of such acts committed against an individual, regardless of whether these acts or threats
 2.12 have been reported to law enforcement officers.

2.13 Sec. 2. Minnesota Statutes 2012, section 5B.03, subdivision 1, is amended to read:

2.14 Subdivision 1. **Application.** The secretary of state shall certify an eligible person as
 2.15 a program participant when the secretary receives an application that must contain:

2.16 (1) the full legal name of the eligible person;

2.17 (2) a statement by the applicant that the applicant has good reason to believe (i) that
 2.18 the eligible person listed on the application is a victim of domestic violence, sexual assault,
 2.19 or stalking, or (ii) that the eligible person fears for the person's safety, the safety of another
 2.20 person who resides in the same household, or the safety of persons on whose behalf the
 2.21 application is made, and (iii) that the eligible person is not applying for certification as a
 2.22 program participant in order to avoid prosecution for a crime;

2.23 (3) a designation of the secretary of state as agent for purposes of service of process
 2.24 and for the purpose of receipt of mail;

2.25 (4) ~~the mailing address where the eligible person can be contacted by the secretary~~
 2.26 ~~of state, and the phone number or numbers where the applicant or eligible person can be~~
 2.27 ~~called by the secretary of state;~~

2.28 (5) the physical residential address ~~or addresses~~ of the eligible person, disclosure of
 2.29 which will increase the risk of domestic violence, sexual assault, or stalking;

2.30 (6) if mail cannot be delivered to the residential address of the eligible person,
 2.31 the address to which mail should be sent;

2.32 ~~(6)~~ (7) a statement whether the eligible person would like information on becoming
 2.33 an ongoing absentee ballot recipient pursuant to section 5B.06;

2.34 ~~(7)~~ (8) a statement from the eligible person that gives the secretary of state consent
 2.35 to confirm the eligible person's participation in Safe at Home to a third party who provides

3.1 the program participant's first and last name and Safe at Home lot number listed on the
3.2 program participant's card;

3.3 ~~(8)~~ (9) the signature of the applicant, an indicator of the applicant's authority to act
3.4 on behalf of the eligible person, if appropriate, the name and signature of any individual or
3.5 representative of any person who assisted in the preparation of the application, and the
3.6 date on which the application was signed; and

3.7 ~~(9)~~ (10) any other information as required by the secretary of state.

3.8 Sec. 3. Minnesota Statutes 2012, section 5B.04, is amended to read:

3.9 **5B.04 CERTIFICATION CANCELLATION.**

3.10 (a) If the program participant obtains a legal change of identity, the participant
3.11 loses certification as a program participant.

3.12 (b) The secretary of state may cancel a program participant's certification if there is a
3.13 change in the ~~mailing address~~ program participant's legal name or contact information,
3.14 unless the program participant or the person who signed as the applicant on behalf of
3.15 an eligible person provides the secretary of state with ~~at least two days'~~ prior notice in
3.16 writing of the change ~~of address~~.

3.17 (c) The secretary of state may cancel certification of a program participant if
3.18 mail forwarded by the secretary to the program participant's address is returned as
3.19 nondeliverable.

3.20 (d) The secretary of state may cancel a program participant's certification if the
3.21 program participant is no longer an eligible person.

3.22 (e) The secretary of state shall cancel certification of a program participant who
3.23 applies using false information.

3.24 Sec. 4. Minnesota Statutes 2012, section 5B.05, is amended to read:

3.25 **5B.05 USE OF DESIGNATED ADDRESS.**

3.26 (a) When a program participant presents the address designated by the secretary of
3.27 state to any person, that address must be accepted as the address of the program participant.

3.28 (b) A program participant may use the address designated by the secretary of state as
3.29 the program participant's work address.

3.30 (c) The Office of the Secretary of State shall forward all mail sent to the designated
3.31 address to the proper program participants.

3.32 (d) If a program participant has notified a person in writing, on a form prescribed
3.33 by the program, that the individual is a program participant and of the requirements of
3.34 this section, the person must not knowingly disclose the program participant's name,

4.1 home address, work address, or school address, unless the person to whom the address is
4.2 disclosed also lives, works, or goes to school at the address disclosed, or the participant
4.3 has provided written consent to disclosure of the participant's name, home address, work
4.4 address, or school address for the purpose for which the disclosure will be made.

4.5 Sec. 5. Minnesota Statutes 2012, section 5B.10, is amended by adding a subdivision to
4.6 read:

4.7 Subd. 3. **Release by a municipal utility.** If a program participant has notified the
4.8 program participant's municipal utility in writing on a form prescribed by the program
4.9 that the individual is a program participant and of the requirements of this section, the
4.10 program participant's name is private data on individuals as defined in section 13.02,
4.11 subdivision 12, and the municipal utility must not release the program participant's name
4.12 at an address otherwise protected under this chapter.