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AN ACT

RELATING TO VICTIMS OF CRIME; ENACTING THE CONFIDENTIAL  
SUBSTITUTE ADDRESS ACT; CREATING THE CONFIDENTIAL SUBSTITUTE  
ADDRESS PROGRAM FOR VICTIMS OF CERTAIN CRIMES; REPEALING  
SECTION 40-13-11 NMSA 1978 (BEING LAWS 2007, CHAPTER 131,  
SECTION 1).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the  
"Confidential Substitute Address Act".

SECTION 2. DEFINITIONS.--As used in the Confidential  
Substitute Address Act:

A. "agency" means an agency of the state or of a  
political subdivision of the state;

B. "applicant" means a person who submits an  
application to participate in the confidential substitute  
address program;

C. "application assistant" means a person who  
works or volunteers for a domestic violence or sexual assault  
program and who assists in preparing an application for the  
confidential substitute address program;

D. "confidential substitute address" means an  
address designated for a participant by the secretary of  
state pursuant to the Confidential Substitute Address Act;

E. "delivery address" means the address where an

1 applicant or a participant receives mail, and it may be the  
2 same as the person's residential address;

3 F. "domestic violence" means "domestic abuse", as  
4 defined in the Family Violence Protection Act;

5 G. "participant" means a person certified to  
6 participate in the confidential substitute address program  
7 pursuant to the Confidential Substitute Address Act;

8 H. "public record" means "public records", as  
9 defined in the Inspection of Public Records Act; and

10 I. "residential address" means the street address  
11 where an applicant or participant resides or will relocate.

12 SECTION 3. CONFIDENTIAL SUBSTITUTE ADDRESS PROGRAM--  
13 APPLICATION.--

14 A. The "confidential substitute address program"  
15 is created in the office of the secretary of state to provide  
16 a process by which a victim of domestic violence may protect  
17 the confidentiality of the victim's residential and delivery  
18 addresses in public records.

19 B. An applicant, with the assistance of an  
20 application assistant, shall submit an application to the  
21 secretary of state on a form prescribed by the secretary of  
22 state. The application assistant's signature shall serve as  
23 recommendation that the applicant participate in the  
24 confidential substitute address program.

25 C. An application shall be signed and dated by the HB 119  
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1 applicant and the application assistant and shall include:

2 (1) the applicant's name;

3 (2) the applicant's statement that the  
4 applicant fears for the safety of the applicant, the  
5 applicant's child or another person in the applicant's  
6 household because of a threat of immediate or future harm;

7 (3) the applicant's statement that the  
8 disclosure of the applicant's residential or delivery address  
9 would endanger the applicant, the applicant's child or  
10 another person in the applicant's household;

11 (4) the applicant's statement that the  
12 applicant has confidentially relocated in the past ninety  
13 days or will relocate within the state in the next ninety  
14 days;

15 (5) a designation of the secretary of state  
16 as the applicant's agent for the purpose of receiving mail,  
17 deliveries and service of process, notice or demand;

18 (6) the applicant's residential and delivery  
19 addresses, if different, the confidentiality of which the  
20 applicant seeks to protect;

21 (7) the applicant's telephone number and  
22 email address; and

23 (8) the applicant's statement under penalty  
24 of perjury that the information contained in the application  
25 is true.

1           SECTION 4. SECRETARY OF STATE--DUTIES--SERVICE ON  
2 PARTICIPANT.--

3           A. The secretary of state shall:

4                       (1) certify applicants whose applications  
5 comply with the requirements of the Confidential Substitute  
6 Address Act to participate in the confidential substitute  
7 address program; and

8                       (2) with respect to each certified  
9 participant:

10                               (a) issue a confidential substitute  
11 address identification card;

12                               (b) designate a confidential substitute  
13 address that shall be used in place of the participant's  
14 residential or delivery address by state and local government  
15 agencies;

16                               (c) receive mail and deliveries sent to  
17 a participant's confidential substitute address and forward  
18 the mail and deliveries to the participant's delivery address  
19 at no charge to the participant;

20                               (d) accept service of process, notice  
21 or demand that is required or permitted by law to be served  
22 on the participant and immediately forward the process,  
23 notice or demand to the participant's delivery address at no  
24 charge to the participant; and

25                               (e) maintain records of the following

1 that are received and forwarded by the secretary of state:

2 1) a participant's certified and registered mail; and 2) any  
3 process, notice or demand that is served on a participant.

4 B. Service made pursuant to the provisions of this  
5 section is perfected three days after it is accepted by the  
6 secretary of state.

7 SECTION 5. AGENCIES--USE OF CONFIDENTIAL SUBSTITUTE  
8 ADDRESS--PUBLIC RECORDS.--

9 A. A participant shall:

10 (1) contact each agency that requests or  
11 uses an address; and

12 (2) provide the agency with a copy of the  
13 participant's confidential substitute address identification  
14 card.

15 B. Agencies that receive copies of confidential  
16 substitute address identification cards submitted pursuant to  
17 this section shall use the participant's confidential  
18 substitute address for all purposes.

19 C. A school district shall use a participant's  
20 confidential substitute address as the participant's address  
21 of record and, if necessary, shall verify a student's  
22 enrollment eligibility with the secretary of state.

23 D. A participant's residential or delivery  
24 address, telephone number and email address that are  
25 maintained by an agency are not public records and shall not

1 be disclosed pursuant to the Inspection of Public Records Act  
2 while a person is a participant.

3 SECTION 6. CHANGE OF PARTICIPANT NAME, ADDRESS OR  
4 TELEPHONE NUMBER--REQUIREMENTS.--

5 A. A participant shall notify the secretary of  
6 state within ten days of legally changing the participant's  
7 name and shall provide the secretary of state with a  
8 certified copy of documentation of the legal name change.

9 B. A participant shall notify the secretary of  
10 state within ten days of a change to the participant's  
11 residential address, delivery address, telephone number or  
12 email address.

13 SECTION 7. PARTICIPANT DECERTIFICATION.--

14 A. A participant shall be decertified from the  
15 confidential substitute address program if:

16 (1) the participant submits a request to  
17 withdraw from the confidential substitute address program to  
18 the secretary of state;

19 (2) the participant fails to notify the  
20 secretary of state of a legal name change or a change to the  
21 participant's residential address, delivery address,  
22 telephone number or email address; or

23 (3) mail that is forwarded by the secretary  
24 of state to the participant's delivery address is returned as  
25 undeliverable.

1           B. If the secretary of state determines that one  
2 or more of the causes for decertification provided in  
3 Subsection A of this section exist, the secretary of state  
4 shall send notice of the participant's decertification to the  
5 participant's delivery and residential addresses and shall  
6 attempt to notify the participant by telephone and email.  
7 The participant shall be given ten days from the date of  
8 decertification to appeal the decertification.

9           C. A person who is decertified from the  
10 confidential substitute address program shall not continue to  
11 use the person's confidential substitute address.

12           D. For six months after a participant has been  
13 decertified, the secretary of state shall forward mail and  
14 deliveries to an address provided by the former participant.  
15 Upon receipt of mail and deliveries pursuant to this  
16 subsection, a former participant shall provide an updated  
17 address to the sender.

18           **SECTION 8. PARTICIPANT RECORDS--CONFIDENTIALITY--**  
19 **DISCLOSURE PROHIBITED.--**

20           A. The secretary of state and an agency shall not  
21 disclose the residential address, delivery address, telephone  
22 number or email address of a participant unless the  
23 information is required to be disclosed pursuant to a court  
24 order. A person or agency that receives a participant's  
25 residential address, delivery address, telephone number or

1 email address pursuant to a court order shall not in turn  
2 disclose that information unless pursuant to a court order or  
3 unless the person has been decertified.

4 B. The secretary of state shall maintain the  
5 confidentiality of all records relating to an applicant for  
6 or participant in the confidential substitute address program  
7 while the person is a participant and shall:

8 (1) store all tangible copies of program  
9 records in locked equipment;

10 (2) store all electronic copies of program  
11 records in a password-protected system;

12 (3) restrict access to all program records  
13 to secretary of state staff members who are approved to  
14 access the records as provided in this section; and

15 (4) release program records only on a  
16 court's order.

17 C. The secretary of state shall establish a system  
18 for restricting access to program records to approved staff  
19 members. Before being approved and granted access to program  
20 records, the staff member shall:

21 (1) submit to a criminal background check  
22 performed by the department of public safety;

23 (2) not have a record of a sex offense,  
24 felony or a misdemeanor violation related to domestic  
25 violence or sexual assault on the results of the person's

1 criminal background check; and

2 (3) complete forty hours of training,  
3 including a domestic violence training course provided by the  
4 children, youth and families department and sexual assault  
5 training provided by the department of health or the crime  
6 victims reparation commission or its successor.

7 **SECTION 9. RULES.**--The secretary of state shall  
8 promulgate rules, including rules regarding records and  
9 confidentiality retention, to implement the provisions of the  
10 Confidential Substitute Address Act.

11 **SECTION 10. REPEAL.**--Section 40-13-11 NMSA 1978 (being  
12 Laws 2007, Chapter 131, Section 1) is repealed.

13 **SECTION 11. EFFECTIVE DATE.**--The effective date of the  
14 provisions of this act is July 1, 2018.

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