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**AB-2872 Domestic violence: victims: address confidentiality.** (2021-2022)

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Date Published: 10/03/2022 09:00 PM

**Assembly Bill No. 2872**

**CHAPTER 975**

An act to amend Sections 6206 and 6206.7 of the Government Code, relating to domestic violence.

[ Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2872, Akilah Weber. Domestic violence: victims: address confidentiality.

Existing law establishes an address confidentiality program for victims of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, commonly known as the Safe at Home program, under which an adult person, or a guardian on behalf of a minor or an incapacitated person, states that the person is a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse and designates the Secretary of State as the agent for service of process and receipt of mail. Under existing law, when the Secretary of State certifies the person as a program participant, the person's actual address is confidential. Existing law requires the Secretary of State to, upon certification, notify the other parent, pursuant to specified provisions, unless there is a court order prohibiting contact.

This bill would specify that notification is required unless there is a court order prohibiting contact between the other parent or parents or guardian and the minor child or children of the participant.

Existing law requires service on the Secretary of State of any summons, writ, notice, demand, or process to be made by delivering 2 copies of the summons, writ, notice, demand, or process.

This bill would instead require one copy of the summons, writ, notice, demand, or process to be delivered to the Secretary of State.

Existing law authorizes a program participant to withdraw from program participation by submitting to the Secretary of State written notification of withdrawal and the program participant's current identification card. Existing law authorizes the Secretary of State to terminate a program participant's certification and invalidate the program participant's authorization card for certain reasons, including that the Secretary of State has determined that false information was used in the application process to qualify as a program participant or that participation in the program is being used as a subterfuge to avoid detection of illegal or criminal activity or apprehension by law enforcement.

This bill would instead authorize the Secretary of State to terminate a program participant's certification and invalidate the program participant's authorization card if the Secretary of State has been informed that another state agency made the determination described above and would additionally authorize the Secretary of State to terminate a program participant's certification and invalidate the program participant's authorization card if the program participant moves from their California place of residence to relocate out of state.

This bill would incorporate additional changes to Sections 6206 and 6206.7 of the Government Code proposed by AB 1726 to be operative only if this bill and AB 1726 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 6206 of the Government Code is amended to read:

**6206.** (a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, who is domiciled in California, may apply to the Secretary of State to have an address designated by the Secretary of State serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based victims' assistance program or a community-based assistance program that serves victims of elder or dependent adult abuse pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code). The application process shall include a requirement that the applicant meet with a victims' assistance counselor and receive orientation information about the program. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains all of the following:

(1) A sworn statement by the applicant that the applicant has good reason to believe both of the following:

(A) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, or is a household member of a victim who is making or has made an application pursuant to this section, unless the applicant is the perpetrator of the crime that provided the basis for that victim's application.

(B) That the applicant fears for their safety, the safety of their children or household members, or the safety of the minor or incapacitated person on whose behalf the application is made.

(2) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, the application may be accompanied by evidence, including, but not limited to, any of the following:

(A) Police, court, or other government agency records or files.

(B) Documentation from a domestic violence or sexual assault program if the person is alleged to be a victim of domestic violence, sexual assault, stalking, or human trafficking.

(C) Documentation from a legal, clerical, medical, or other professional from whom the applicant or person on whose behalf the application is made has sought assistance in dealing with the alleged domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.

(D) Any other evidence that supports the sworn statement, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the act or acts of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.

(3) If the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a household member of a person described in paragraph (2), the application shall include the name of that person and evidence that the applicant is a household member.

(4) The name and last known address of the applicant's minor child or children, the name and last known address of all other parents or guardians of the minor child or children of the applicant, and all court orders related to the minor child or children of the applicant, and legal counsel of record in those cases.

(5) A designation of the Secretary of State as agent for purposes of service of process and for the purpose of receipt of mail.

(A) Service on the Secretary of State of any summons, writ, notice, demand, or process shall be made by delivering to the address confidentiality program personnel of the office of the Secretary of State a copy of the summons, writ, notice, demand, or process.

(B) If a summons, writ, notice, demand, or process is served on the Secretary of State, the Secretary of State shall immediately cause a copy to be forwarded to the program participant at the address shown on the records of the address confidentiality program so that the summons, writ, notice, demand, or process is received by the program participant within three days of the Secretary of State's having received it.

(C) The Secretary of State shall keep a record of all summonses, writs, notices, demands, and processes served upon the Secretary of State under this section and shall record the time of that service and the Secretary of State's action.

(D) The office of the Secretary of State and any agent or person employed by the Secretary of State shall be held harmless from liability in any action brought by a person injured or harmed as a result of the handling of first-class mail on behalf of program participants.

(6) The mailing address where the applicant can be contacted by the Secretary of State, and the phone number or numbers where the applicant can be called by the Secretary of State.

(7) The address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.

(8) The signature of the applicant and of any individual or representative of any office designated in writing under Section 6208.5 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Commencing January 1, 2023, the Secretary of State shall make the application form for participation in the program and any explanatory materials available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the application available in additional languages.

(c) Applications shall be filed with the office of the Secretary of State.

(d) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State shall, by rule, establish a renewal procedure. A minor program participant who reaches 18 years of age during their enrollment may renew as an adult following the renewal procedures established by the Secretary of State.

(e) Upon certification, the Secretary of State shall, within 10 days, notify all other parents or guardians identified pursuant to paragraph (4) of subdivision (a) of the designation of the Secretary of State as agent for purposes of service of process and, unless there is a court order prohibiting contact between the other parent or parents or guardian and the minor child or children of the participant, the address designated by the Secretary of State for the program participant. The notice shall be given by mail, return receipt requested, postage prepaid, to the last known address of the other parent or parents or guardian to be notified. A copy shall also be sent to that parent's or guardian's counsel of record, if provided to the Secretary of State by the applicant.

(f) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or household members, or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor. A notice shall be printed in bold type and in a conspicuous location on the face of the application informing the applicant of the penalties under this subdivision. Commencing January 1, 2023, the Secretary of State shall make the notice required by this subdivision available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the notice available in additional languages.

**SEC. 1.5.** Section 6206 of the Government Code is amended to read:

**6206.** (a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, who is domiciled in California, may apply to the Secretary of State to have an address designated by the Secretary of State serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based victims' assistance program or a community-based assistance program that serves victims of elder or dependent adult abuse pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code). The application process shall include a requirement that the applicant meet with a victims' assistance counselor and receive orientation information about the program. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains all of the following:

(1) A sworn statement by the applicant that the applicant has good reason to believe both of the following:

(A) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, or is a household member of a victim who is making or has made an application pursuant to this section, unless the applicant is the perpetrator of the crime that provided the basis for that victim's application.

(B) That the applicant fears for their safety, the safety of their children or household members, or the safety of the minor or incapacitated person on whose behalf the application is made.

(2) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, the application may be accompanied by evidence, including, but not limited to, any of the following:

(A) Police, court, or other government agency records or files.

(B) Documentation from a domestic violence or sexual assault program if the person is alleged to be a victim of domestic violence, sexual assault, stalking, or human trafficking.

(C) Documentation from a legal, clerical, medical, or other professional from whom the applicant or person on whose behalf the application is made has sought assistance in dealing with the alleged domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.

(D) Any other evidence that supports the sworn statement, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the act or acts of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.

(3) If the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a household member of a person described in paragraph (2), the application shall include the name of that person and evidence that the applicant is a household member.

(4) The name and last known address of the applicant's minor child or children, and the name and last known address of all other parents or guardians of the minor child or children of the applicant, as legally established by voluntary declaration of paternity, court order, placement on the child's birth certificate, or other legal method pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code). If no other parent or guardian has been established for the applicant's minor child or children, this section may be left blank.

(5) A designation of the Secretary of State as agent for purposes of service of process and for the purpose of receipt of mail.

(A) Service on the Secretary of State of any summons, writ, notice, demand, or process shall be made by delivering to the address confidentiality program personnel of the office of the Secretary of State a copy of the summons, writ, notice, demand, or process.

(B) If a summons, writ, notice, demand, or process is served on the Secretary of State, the Secretary of State shall immediately cause a copy to be forwarded to the program participant at the address shown on the records of the address confidentiality program so that the summons, writ, notice, demand, or process is received by the program participant within three days of the Secretary of State's having received it.

(C) The Secretary of State shall keep a record of all summonses, writs, notices, demands, and processes served upon the Secretary of State under this section and shall record the time of that service and the Secretary of State's action.

(D) The office of the Secretary of State and any agent or person employed by the Secretary of State shall be held harmless from liability in any action brought by a person injured or harmed as a result of the handling of first-class mail on behalf of program participants.

(6) The mailing address and the telephone number or numbers where the applicant can be called by the Secretary of State, and if available, the email address where the applicant can be contacted by the Secretary of State.

(7) The address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.

(8) The signature of the applicant and of any individual or representative of any office designated in writing under Section 6208.5 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Commencing January 1, 2023, the Secretary of State shall make the application form for participation in the program and any explanatory materials available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the application available in additional languages.

(c) Applications shall be filed with the office of the Secretary of State.

(d) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State shall, by rule, establish a renewal procedure. A minor program participant who reaches 18 years of age during their enrollment may renew as an adult following the renewal procedures established by the Secretary of State.

(e) If a minor child has any other legally established parent or parents, upon certification, the Secretary of State shall, within 10 days, notify all other parents or guardians identified pursuant to paragraph (4) of subdivision (a) of the designation of the Secretary of State as agent for purposes of service of process and, unless there is a court order prohibiting contact between the other parent or parents or guardian and the minor child or children of the participant, the address designated by the Secretary of State for the program participant. The notice shall be given by mail, return receipt requested, postage prepaid, to the last known address of the other parent or parents or guardian to be notified. A copy shall also be sent to that parent's or guardian's counsel of record, if provided to the Secretary of State by the applicant.

(f) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or household members, or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor. A notice shall be printed in bold type and in a conspicuous location on the face of the application informing the applicant of the penalties under this subdivision. Commencing January 1, 2023, the Secretary of State shall make the notice required by this subdivision available in English and in at least the other languages described in Section 1632 of the Civil Code. The Secretary of State may make the notice available in additional languages.

**SEC. 2.** Section 6206.7 of the Government Code is amended to read:

**6206.7.** (a) A program participant may withdraw from program participation by submitting to the Secretary of State written notification of withdrawal and the program participant's current identification card. Certification shall be terminated on the date of receipt of this notification.

(b) The Secretary of State may terminate a program participant's certification and invalidate the program participant's authorization card for any of the following reasons:

(1) The program participant's certification term has expired and certification renewal has not been completed.

(2) The Secretary of State has been informed that another state agency determined that false information was used in the application process to qualify as a program participant or that participation in the program is being used as a subterfuge to avoid detection of illegal or criminal activity or apprehension by law enforcement.

(3) The program participant no longer resides at the most recent residential address provided to the Secretary of State and has not provided at least seven days' prior notice in writing of a change in address.

(4) A service of process document or mail forwarded to the program participant by the Secretary of State is returned as nondeliverable.

(5) The program participant obtains a legal name change and fails to notify the Secretary of State within seven days.

(6) The program participant, who reaches 18 years of age during the program participant's certification term, has not renewed the program participant's certification within 60 days of reaching 18 years of age.

(7) The program participant moves from their California place of residence to relocate out of state.

(c) The Secretary of State may refuse to renew a program participant's certification if the adult program participant or the parent or guardian acting on behalf of a minor or incapacitated person moves from their California place of residence to another residence in this state.

(d) If intended termination is based on any of the reasons under subdivision (b) or (c), the Secretary of State shall send written notification of the intended termination to the program participant. The program participant shall have 30 days in which to appeal the intended termination under procedures developed by the Secretary of State.

(e) The Secretary of State shall notify in writing the county elections official of the program participant's certification withdrawal, invalidation, expiration, or termination. The Secretary of State shall cooperate with authorized personnel of the appropriate county clerk's office, county recording office, and state and local agencies to verify, upon request of any such entity, the program participant's certification withdrawal, invalidation, expiration, or termination.

(f) Upon receipt of this termination notification, authorized personnel shall transmit to the Secretary of State all appropriate administrative records pertaining to the program participant and the record transmitting agency is no longer responsible for maintaining the confidentiality of a terminated program participant's record.

(g) Following termination of program participant certification as a result of paragraph (2) of subdivision (b), the Secretary of State may disclose information contained in the participant's application.

**SEC. 2.5.** Section 6206.7 of the Government Code is amended to read:

**6206.7.** (a) A program participant may withdraw from program participation by submitting to the Secretary of State written notification of withdrawal and the program participant's current identification card. Certification shall be terminated on the date of receipt of this notification.

(b) The Secretary of State may terminate a program participant's certification and invalidate the program participant's authorization card for any of the following reasons:

(1) The program participant's certification term has expired and certification renewal has not been completed.

(2) The Secretary of State has been informed that another state agency determined that false information was used in the application process to qualify as a program participant or that participation in the program is being used as a subterfuge to avoid detection of illegal or criminal activity or apprehension by law enforcement.

(3) The program participant no longer resides at the most recent residential address provided to the Secretary of State and has not provided notice in writing of a change in address within 30 days.

(4) A service of process document or mail forwarded to the program participant by the Secretary of State is returned as nondeliverable. Before terminating a program participant's certification due to nondeliverable mail, the program shall attempt to contact the participant by telephone and email, if available, to resolve the mail delivery issue.

(5) The program participant obtains a legal name change and fails to notify the Secretary of State within 30 days.

(6) The program participant, who reaches 18 years of age during the program participant's certification term, has not renewed the program participant's certification within 60 days of reaching 18 years of age.

(7) The program participant moves from their California place of residence to relocate out of state.

(c) The Secretary of State may refuse to renew a program participant's certification if the adult program participant or the parent or guardian acting on behalf of a minor or incapacitated person moves from their California place of residence to another residence in this state. If, however, the program participant or parent or guardian acting on behalf of a minor or incapacitated person leaves the state during their valid participation term, they shall not be terminated on the grounds of having abandoned their domicile in this state until they have resided outside of this state for a period of more than 60 consecutive days if relocating to a state with an address confidentiality program. If the program participant or parent or guardian acting on behalf of a minor or incapacitated person has relocated to a state without an address confidentiality program, they shall remain enrolled and mail shall be forwarded for the remainder of their certification term.

(d) If intended termination is based on any of the reasons under subdivision (b) or (c), the Secretary of State shall send written notification of the intended termination to the program participant. The program participant shall have 30 days in which to appeal the intended termination under procedures developed by the Secretary of State.

(e) The Secretary of State shall notify in writing the county elections official of the program participant's certification withdrawal, invalidation, expiration, or termination. The Secretary of State shall cooperate with authorized personnel of the appropriate county clerk's office, county recording office, and state and local agencies to verify, upon request of any such entity, the program participant's certification withdrawal, invalidation, expiration, or termination.

(f) Upon receipt of this termination notification, authorized personnel shall transmit to the Secretary of State all appropriate administrative records pertaining to the program participant and the record transmitting agency is no longer responsible for maintaining the confidentiality of a terminated program participant's record.

(g) Following termination of program participant certification as a result of paragraph (2) of subdivision (b), the Secretary of State may disclose information contained in the participant's application.

**SEC. 3.** Section 1.5 of this bill incorporates amendments to Section 6206 of the Government Code proposed by both this bill and Assembly Bill 1726. That section shall become operative only if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 6206 of the Government Code, and (3) this bill is enacted after Assembly Bill 1726, in which case Section 1 of this bill shall not become operative.

Section 2.5 of this bill incorporates amendments to Section 6206.7 of the Government Code proposed by both this bill and Assembly Bill 1726. That section shall become operative only if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 6206.7 of the Government Code, and (3) this bill is enacted after Assembly Bill 1726, in which case Section 2 of this bill shall not become operative.