

VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

CHAPTER 599

An Act to amend and reenact § 2.2-515.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-515.2, relating to address confidentiality for victims of domestic violence.

[S 938]

Approved March 20, 2007

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-515.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-515.2 as follows:

§ 2.2-515.1. Statewide Facilitator for Victims of Domestic Violence.

The Attorney General shall establish a Statewide Facilitator for Victims of Domestic Violence within the Office of the Attorney General. The Statewide Facilitator shall have the responsibility to (i) *establish an address confidentiality program in accordance with § 2.2-515.2*, (ii) *assist agencies in implementing domestic violence programs*, and (iii) *report on the status of such programs to the House Committee on Courts of Justice and the Senate Committee on Courts of Justice and the Virginia State Crime Commission by January 1 of each year.*

§ 2.2-515.2. *Address confidentiality program established; victims of domestic violence; application; disclosure of records.*

A. *As used in this section:*

"Address" means a residential street address, school address, or work address of a person as specified on the person's application to be a program participant.

"Applicant" means a person who is a victim of domestic violence or is a parent or guardian of a minor child or incapacitated person who is the victim of domestic violence.

"Domestic violence" means an act as defined in § 38.2-508 and includes threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law-enforcement officers. Such threat must be a threat of force which would place any person in reasonable apprehension of death or bodily injury.

"Program participant" means a person certified by the Office of the Attorney General as eligible to participate in the Address Confidentiality Program.

B. *The Statewide Facilitator for Victims of Domestic Violence shall establish a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence by authorizing the use of designated addresses for such victims. An individual who is at least 18 years of age, a parent or guardian acting on behalf of a minor, a guardian acting on behalf of an incapacitated person, or an emancipated minor may apply to the Office of the Attorney General to have an address designated by the Office of the Attorney General as the applicant's address. The Office of the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if the application contains the following:*

- 1. A sworn statement by the applicant that the applicant has good reason to believe that:*
 - a. The applicant, or the minor or incapacitated individual on whose behalf the application is made, is a victim of domestic violence; and*
 - b. The applicant fears further violent acts from the applicant's assailant;*
- 2. A designation of the Office of the Attorney General as agent for the purpose of receiving mail on behalf of the applicant;*
- 3. The mailing address where the applicant can be contacted by the Office of the Attorney General and a telephone number where the applicant can be called;*
- 4. The new address that the applicant requests not be disclosed because of the increased risk of domestic violence; and*
- 5. The signature of the applicant and any person who assisted in the preparation of the application and the date.*

C. *Upon approval of a completed application, the Office of the Attorney General shall certify the applicant as a program participant. An applicant shall be certified for one year following the date of the institution of the program, unless the certification is withdrawn or invalidated before that date. A program participant may apply to be recertified every year.*

D. *Upon receipt of first-class mail addressed to a program participant, the Attorney General or his designee shall forward the mail to the actual address of the program participant. The actual address of a program participant shall be available only to the Attorney General and to those employees involved in the operation of the Address Confidentiality Program and to law-enforcement officers for law-enforcement purposes.*

E. The Office of the Attorney General may cancel a program participant's certification if:

- 1. The program participant requests withdrawal from the program;*
- 2. The program participant obtains a name change through an order of the court;*
- 3. The program participant changes his residence address and does not provide seven days' notice to the Office of the Attorney General prior to the change of address;*
- 4. The mail forwarded by the Office of the Attorney General to the address provided by the program participant is returned as undeliverable; or*
- 5. Any information contained in the application is false.*

The application form shall contain a statement notifying each applicant of the provisions of this subsection.

F. A program participant may request that any state or local agency use the address designated by the Office of the Attorney General as the program participant's address. The agency shall accept the address designated by the Office of the Attorney General as a program participant's address, unless the agency has demonstrated to the satisfaction of the Attorney General that:

- 1. The agency has a bona fide statutory basis for requiring the program participant to disclose to it the actual location of the program participant; and*
- 2. The disclosed confidential address of the program participant will be used only for that statutory purpose and will not be disclosed or made available in any way to any other person or agency.*

Any state or local agency that discloses the program participant's confidential address provided by the Office of the Attorney General shall be immune from civil liability unless the agency acted with gross negligence or willful misconduct.

G. Records submitted to or provided by the Office of the Attorney General in accordance with this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to the extent such records contain information identifying a past or current program participant, including such person's name, actual and designated address, telephone number, and any email address. However, access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of a program participant in cases where the program participant is a minor child or an incapacitated person, except when the parent or legal guardian is named as the program participant's assailant.

H. Neither the Office of the Attorney General, its officers or employees, or others who have a responsibility to a program participant under this section shall have any liability nor shall any cause of action arise against them in their official or personal capacity from the failure of a program participant to receive any first class mail forwarded to him by the Office of the Attorney General pursuant to this section. Nor shall any such liability or cause of action arise from the failure of a program participant to timely receive any first class mail forwarded by the Office of the Attorney General pursuant to this section.

2. That the provisions of this act shall be limited to and implemented solely within the County of Arlington. An evaluation of the program shall be prepared by the Office of the Attorney General and the results forwarded to the members of the Senate Committee on General Laws and the House Committee on General Laws by December 31, 2007.

3. That following the evaluation of the program by the Office of the Attorney General in accordance with the second enactment of this act, the continuation of the address confidentiality program on a statewide basis shall be conditioned upon an appropriation effectuating the purposes of this act in the appropriation act passed during the 2008 Session of the General Assembly and signed into law by the Governor.