

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 691

FINAL READING

Introduced by Blood, 3; Wayne, 13.

Read first time January 05, 2022

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Address Confidentiality Act; to amend
2 section 42-1202, Reissue Revised Statutes of Nebraska, and sections
3 42-1203, 42-1204, and 42-1209, Revised Statutes Cumulative
4 Supplement, 2020; to provide enrollment eligibility to kidnapping
5 survivors; to define a term; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-1202, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 42-1202 The Legislature finds that persons attempting to escape from
4 actual or threatened abuse, sexual assault, kidnapping, or stalking
5 frequently establish new addresses in order to prevent their assailants
6 or probable assailants from finding them. The purposes of the Address
7 Confidentiality Act are to enable state and local agencies to respond to
8 requests for public records without disclosing the location of a victim
9 of abuse, sexual assault, kidnapping, or stalking, to enable interagency
10 cooperation with the office of the Secretary of State in providing
11 address confidentiality for victims of abuse, sexual assault, kidnapping,
12 or stalking, and to enable state and local agencies to accept a program
13 participant's use of an address designated by the Secretary of State as a
14 substitute mailing address.

15 Sec. 2. Section 42-1203, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 42-1203 For purposes of the Address Confidentiality Act:

18 (1) Abuse means causing or attempting to cause physical harm,
19 placing another person in fear of physical harm, or causing another
20 person to engage involuntarily in sexual activity by force, threat of
21 force, or duress, when committed by (a) a person against his or her
22 spouse, (b) a person against his or her former spouse, (c) a person
23 residing with the victim if such person and the victim are or were in a
24 dating relationship, (d) a person who formerly resided with the victim if
25 such person and the victim are or were in a dating relationship, (e) a
26 person against a parent of his or her children, whether or not such
27 person and the victim have been married or resided together at any time,
28 (f) a person against a person with whom he or she is in a dating
29 relationship, (g) a person against a person with whom he or she formerly
30 was in a dating relationship, or (h) a person related to the victim by
31 consanguinity or affinity;

1 (2) Address means a residential street address, school address, or
2 work address of an individual as specified on the individual's
3 application to be a program participant;

4 (3) Dating relationship means an intimate or sexual relationship;

5 (4) Kidnapping has the same meaning as in section 28-313;

6 (5) (4) Program participant means a person certified as a program
7 participant under section 42-1204;

8 (6) (5) Sexual assault has the same meaning as in section 28-319,
9 28-319.01, 28-320, 28-320.01, or 28-386;

10 (7) (6) Stalking has the same meaning as in sections 28-311.02 to
11 28-311.05; and

12 (8) (7) Trafficking victim has the same meaning as in section
13 28-830.

14 Sec. 3. Section 42-1204, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 42-1204 (1) An adult, a parent or guardian acting on behalf of a
17 minor, or a guardian acting on behalf of an incapacitated person as
18 defined in section 30-2601 may apply to the Secretary of State to have an
19 address designated by the Secretary of State serve as the substitute
20 address of such adult, minor, or incapacitated person. The Secretary of
21 State shall approve an application if it is filed in the manner and on
22 the form prescribed by the Secretary of State and if it contains:

23 (a) A sworn statement by the applicant that the applicant has good
24 reason to believe (i) that the applicant, or the minor or incapacitated
25 person on whose behalf the application is made, is a victim of abuse,
26 sexual assault, kidnapping, ~~or~~ stalking, ~~or is a trafficking victim~~ and
27 (ii) that the applicant fears for his or her safety, his or her
28 children's safety, or the safety of the minor or incapacitated person on
29 whose behalf the application is made;

30 (b) A designation of the Secretary of State as agent for purposes of
31 service of process and receipt of mail;

1 (c) The mailing address and the telephone number or numbers where
2 the applicant can be contacted by the Secretary of State;

3 (d) The new address or addresses that the applicant requests not be
4 disclosed for the reason that disclosure will increase the risk of abuse,
5 sexual assault, kidnapping, stalking, or trafficking; and

6 (e) The signature of the applicant and of any individual or
7 representative of any office designated in writing under section 42-1209
8 who assisted in the preparation of the application and the date on which
9 the applicant signed the application.

10 (2) Applications shall be filed in the office of the Secretary of
11 State.

12 (3) Upon filing a properly completed application, the Secretary of
13 State shall certify the applicant as a program participant. Such
14 certification shall be valid for four years following the date of filing
15 unless the certification is withdrawn or invalidated before that date.
16 The Secretary of State may by rule and regulation establish a renewal
17 procedure.

18 (4) A person who falsely attests in an application that disclosure
19 of the applicant's address would endanger the applicant, the applicant's
20 children, or the minor or incapacitated person on whose behalf the
21 application is made, or who knowingly provides false or incorrect
22 information upon making an application, is guilty of a Class II
23 misdemeanor.

24 Sec. 4. Section 42-1209, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 42-1209 The Secretary of State shall designate state and local
27 agencies and nonprofit entities that provide counseling and shelter
28 services to victims of abuse, sexual assault, kidnapping, ~~or~~ stalking, or
29 trafficking ~~victims~~ to assist persons applying to be program
30 participants. Any assistance or counseling rendered by the office of the
31 Secretary of State or its designees to such applicants shall not be

1 deemed legal advice or the practice of law.

2 Sec. 5. Original section 42-1202, Reissue Revised Statutes of
3 Nebraska, and sections 42-1203, 42-1204, and 42-1209, Revised Statutes
4 Cumulative Supplement, 2020, are repealed.