

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1262 Session of
2003

INTRODUCED BY TRUE, YOUNGBLOOD, ADOLPH, BAKER, BALDWIN, BARD, BEBKO-JONES, BOYD, BROWNE, BUNT, CAPPELLI, CAWLEY, CIVERA, CLYMER, CRAHALLA, CREIGHTON, CURRY, DeWEESE, DiGIROLAMO, EGOLF, D. EVANS, FRANKEL, FREEMAN, GEORGE, GOODMAN, GRUCELA, HARHAI, HARPER, HENNESSEY, HERMAN, HICKERNELL, HORSEY, JAMES, JOSEPHS, KELLER, KOTIK, LAUGHLIN, LEACH, LEDERER, MANDERINO, MANN, McGEEHAN, McILHATTAN, McNAUGHTON, MELIO, R. MILLER, S. MILLER, MUNDY, O'NEILL, PETRARCA, PHILLIPS, PICKETT, READSHAW, REICHLEY, RUBLEY, SCRIMENTI, SHANER, B. SMITH, STERN, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, TIGUE, VANCE, WASHINGTON, WATSON, WEBER, WHEATLEY, WOJNAROSKI, COLEMAN AND MAITLAND, APRIL 30, 2003

AS AMENDED, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES,
MARCH 31, 2004

AN ACT

1 ~~Amending Title 23 (Domestic Relations) of the Pennsylvania~~ <—
2 ~~Consolidated Statutes, establishing a system to create and~~
3 ~~maintain confidentiality of the addresses of victims of~~
4 ~~domestic violence; providing for the powers and duties of the~~
5 ~~Office of Victim Advocate; and prescribing penalties.~~

6 ~~The General Assembly finds and declares as follows:~~

7 ~~(1) Victims of domestic violence and others in physical~~
8 ~~danger frequently need to adopt a confidential address in~~
9 ~~order to prevent assailants and/or their agents from finding~~
10 ~~them.~~

11 ~~(2) This act is intended to assist victims by~~
12 ~~establishing a system to create and maintain confidentiality~~
13 ~~of addresses and by requiring State and local agencies to~~
14 ~~accept a participant's use of a substitute mailing address.~~

~~(3) This system will enable State and local agencies to respond to requests for public records without disclosing the location of victims.~~

AMENDING TITLES 23 (DOMESTIC RELATIONS) AND 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, PROVIDING FOR APPLICATION FOR LICENSE; ESTABLISHING A SYSTEM TO CREATE AND MAINTAIN CONFIDENTIALITY OF THE ADDRESSES OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING; PROVIDING FOR THE POWERS AND DUTIES OF THE OFFICE OF VICTIM ADVOCATE; PROVIDING FOR APPLICATION FOR CERTIFICATE OF TITLE, FOR PERFECTION OF A SECURITY INTEREST IN A VEHICLE, FOR APPLICATION FOR REGISTRATION AND FOR ISSUANCE AND CONTENT OF DRIVER'S LICENSE; AND PRESCRIBING PENALTIES. <—

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

~~Section 1. Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:~~ <—

~~CHAPTER 67~~

~~DOMESTIC VIOLENCE VICTIM ADDRESS CONFIDENTIALITY~~

~~Sec.~~

~~6701. Short title of chapter.~~

~~6702. Definitions.~~

~~6703. Address Confidentiality Program.~~

~~6704. Application and certification process.~~

~~6705. Persons eligible to become program participants.~~

~~6706. Cancellation and voluntary withdrawal.~~

~~6707. Agency use of designated address.~~

~~6708. Disclosure of confidential address.~~

~~6709. Waiver process by Office of Victim Advocate.~~

~~6710. Emergency disclosure.~~

~~6711. Penalties.~~

~~6712. Rules and regulations.~~

~~§ 6701. Short title of chapter.~~

~~This chapter shall be known and may be cited as the Domestic~~

1 ~~Violence Victim Address Confidentiality Act.~~

2 ~~§ 6702. Definitions.~~

3 ~~The following words and phrases when used in this chapter~~
4 ~~shall have the meanings given to them in this section unless the~~
5 ~~context clearly indicates otherwise:~~

6 ~~"Actual address." A residential address, school address or~~
7 ~~work address of an individual.~~

8 ~~"Criminal justice agency." The term shall have the same~~
9 ~~meaning given to it under 18 Pa.C.S. § 9102 (relating to~~
10 ~~definitions).~~

11 ~~"Program participant." A person certified by the Office of~~
12 ~~Victim Advocate as eligible to participate in the address~~
13 ~~confidentiality program established by this chapter.~~

14 ~~"Office of Victim Advocate." The office that is responsible~~
15 ~~for the address confidentiality program established by this~~
16 ~~chapter.~~

17 ~~"Substitute address." The official address of the Office of~~
18 ~~Victim Advocate or an address designated by the Office of Victim~~
19 ~~Advocate.~~

20 ~~"Victim of domestic violence." A person who is a victim as~~
21 ~~defined by section 6102 (relating to definitions).~~

22 ~~§ 6703. Address Confidentiality Program.~~

23 ~~(a) Establishment. The Office of Victim Advocate shall~~
24 ~~establish a program to be known as the Address Confidentiality~~
25 ~~Program. Upon application, persons eligible under section 6705~~
26 ~~(relating to persons eligible to become program participants)~~
27 ~~shall receive a substitute address.~~

28 ~~(b) Administration. The Office of Victim Advocate shall~~
29 ~~forward all first class mail at no additional expense to a~~
30 ~~program participant. The Office of Victim Advocate may arrange~~

~~to receive and forward other classes or kinds of mail at the
program participant's expense.~~

~~§ 6704. Application and certification process.~~

~~(a) General rule. An applicant must file an application
with the Office of Victim Advocate on a form prescribed by the
Office of Victim Advocate. The Office of Victim Advocate shall
certify all eligible applicants as program participants.
Certification shall be valid for three years following the date
of certification unless the certification is withdrawn or
canceled before that date.~~

~~(b) Requirements for certification. The Office of Victim
Advocate shall certify applications for a substitute address if:~~

~~(1) The applicant meets the eligibility requirements
under section 6705 (relating to persons eligible to become
program participants).~~

~~(2) The applicant designates the Office of Victim
Advocate as an agent for the purpose of receiving service of
process.~~

~~(3) The application contains the actual address and
telephone number where the applicant can be contacted.~~

~~(4) The application contains a statement that the
information provided by the applicant is true to the best of
the applicant's knowledge, which the applicant shall attest
to by signing.~~

~~(5) The application contains the date, the applicant's
signature and the signature of any person who assisted in the
preparation of the application.~~

~~§ 6705. Persons eligible to become program participants.~~

~~The following persons shall qualify as program participants:~~

~~(1) Victims of domestic violence who:~~

1 ~~(i) have filed a protection from abuse order~~
2 ~~pursuant to Chapter 61 (relating to protection from~~
3 ~~abuse);~~

4 ~~(ii) are eligible to file for a protection from~~
5 ~~abuse order pursuant to Chapter 61 and file an affidavit~~
6 ~~stating their belief that the affiant fears violent acts~~
7 ~~by the affiant's assailant;~~

8 ~~(iii) have obtained a foreign protection order as~~
9 ~~defined in section 6102 (relating to definitions),~~
10 ~~whether or not such an order is filed;~~

11 ~~(iv) have applied for or received crime victim~~
12 ~~compensation related to the act of violence; or~~

13 ~~(v) have received a statutory or legal determination~~
14 ~~of good cause or finding of domestic violence.~~

15 ~~(2) A person who is a member of the same household as a~~
16 ~~qualified program participant under paragraph (1).~~

17 ~~(3) Minor children who:~~

18 ~~(i) qualify under paragraph (1) and have a parent or~~
19 ~~legal guardian acting on their behalf; or~~

20 ~~(ii) are children of a qualified program participant~~
21 ~~under paragraph (1) or (2).~~

22 ~~(4) Victims of sexual offense or stalking, as set forth~~
23 ~~in 18 Pa.C.S. (relating to crimes and offenses), who:~~

24 ~~(i) have filed charges against another person for~~
25 ~~committing such a crime;~~

26 ~~(ii) are eligible to file such criminal charges and~~
27 ~~file an affidavit stating their belief that the affiant~~
28 ~~fears violent acts by the affiant's assailant;~~

29 ~~(iii) have filed a protection from abuse order~~
30 ~~pursuant to Chapter 61;~~

~~(iv) are eligible to file for a protection from abuse order pursuant to Chapter 61 and file an affidavit stating their belief that the affiant fears violent acts by the affiant's assailant;~~

~~(v) have obtained a foreign protection order as defined in section 6102 whether or not such an order is filed; or~~

~~(vi) have applied for or received crime victim compensation related to said act of violence.~~

~~(5) Program participants who notify the Office of Victim Advocate of the intent to continue in the program.~~

~~§ 6706. Cancellation and voluntary withdrawal.~~

~~(a) Basis for cancellation. The Office of Victim Advocate may cancel certification of a program participant if:~~

~~(1) the applicant willingly provides false information on any portion of the application;~~

~~(2) the program participant fails to notify the Office of Victim Advocate within 14 days of a name change or address change; or~~

~~(3) the program participant's mail is returned to the Office of Victim Advocate as nondeliverable.~~

~~(b) Procedure for withdrawal or termination.~~

~~(1) A program participant may withdraw at any time by notifying the Office of Victim Advocate in writing.~~

~~(2) If cancellation or expiration is pending, the Office of Victim Advocate shall provide written notification to the participant's last known address of the intended termination to the program participant 30 days prior to termination.~~

~~(3) Upon notification, a program participant shall have ten days to appeal the termination under procedures developed~~

~~by the Office of Victim Advocate.~~

~~§ 6707. Agency use of designated address.~~

~~State and local government agencies shall accept the address designated by the Office of Victim Advocate as the program participant's substitute address, except as follows:~~

~~(1) A local or government agency has been granted a waiver pursuant to section 6709 (relating to waiver process by Office of Victim Advocate).~~

~~(2) The program participant is any of the following:~~

~~(i) a released offender complying with parole provisions pursuant to 37 Pa. Code Ch. 63 (relating to conditions governing parole);~~

~~(ii) a convicted sexual offender who has fulfilled his sentence but must register his community residence as required under 42 Pa.C.S. §§ 9795.1 (relating to registration) and 9795.2 (relating to registration procedures and applicability); or~~

~~(iii) a convicted offender subject to home detention.~~

~~§ 6708. Disclosure of confidential address.~~

~~(a) General rule. The Office of Victim Advocate may not disclose the address of a program participant except under one of the following circumstances:~~

~~(1) To an agency that has been granted a waiver by the Office of Victim Advocate pursuant to section 6709 (relating to waiver process by Office of Victim Advocate).~~

~~(2) Upon order of the court, to the person identified in that order.~~

~~(3) To providers of medical care, social services personnel or others similarly situated when emergency~~

~~disclosure is necessary pursuant to section 6710 (relating to emergency disclosure).~~

~~(b) Notice to program participant.~~

~~(1) Except when disclosure is made to a criminal justice agency or occurs in an instance subject to subsection (a)(2), the Office of Victim Advocate shall provide written notification of disclosure to the program participant five business days prior to disclosure. When disclosure occurs under subsection (a)(3), the Office of Victim Advocate shall simultaneously notify a program participant of disclosure.~~

~~(2) Except in the instance of court order, the Office of Victim Advocate shall seek input from the victim related to the disclosure request and consider such information in their determination to disclose the participant's confidential address.~~

~~(3) When disclosure is denied, the Office of Victim Advocate shall provide written notification to the program participant not more than five business days after the disclosure is denied.~~

~~§ 6709. Waiver process by Office of Victim Advocate.~~

~~(a) Information required for request. An agency that requests disclosure under section 6708 (relating to disclosure of confidential address) shall provide in writing to the Office of Victim Advocate:~~

~~(1) Identification of the law or administrative rule or procedure that demonstrates the agency's bona fide requirement and authority for the use of the actual address of the program participant.~~

~~(2) Identification of the specific program participant's record for which the waiver is requested.~~

1 ~~(3) Identification of the persons who will have access~~
2 ~~to the record.~~

3 ~~(4) Explanation of how the agency's acceptance of a~~
4 ~~substitute address will prevent the agency from meeting its~~
5 ~~obligations under the law.~~

6 ~~(5) An explanation of why the agency cannot meet its~~
7 ~~statutory or administrative obligations by a change in its~~
8 ~~internal procedures.~~

9 ~~(b) Review by Office of Victim Address.—~~

10 ~~(1) The Office of Victim Advocate shall file and review~~
11 ~~an agency's waiver request. During the review, evaluation and~~
12 ~~appeal of an agency's waiver request, the agency shall accept~~
13 ~~the use of a program participant's substitute address.~~

14 ~~(2) The Office of Victim Advocate's determination to~~
15 ~~grant or withhold a requested waiver shall be based on, but~~
16 ~~not limited to, an evaluation of the information provided~~
17 ~~under subsection (a), as well as information obtained from~~
18 ~~the program participant.~~

19 ~~(c) Criteria for granting waiver.—~~

20 ~~(1) If the Office of Victim Advocate determines that an~~
21 ~~agency has a bona fide statutory or administrative need for~~
22 ~~the actual address and that the information will be used only~~
23 ~~for that purpose, the Office of Victim Advocate may issue the~~
24 ~~actual address to the agency.~~

25 ~~(2) When granting a waiver, the Office of Victim~~
26 ~~Advocate shall notify and require the agency to:~~

27 ~~(i) Maintain the confidentiality of a program~~
28 ~~participant's actual address.~~

29 ~~(ii) Limit the use and access of that address.~~

30 ~~(iii) Designate an address disposition date after~~

1 ~~which the agency may no longer maintain the record of the~~
2 ~~address.~~

3 ~~(iv) Adopt any other provisions and qualifications~~
4 ~~determined appropriate by the Office of Victim Advocate.~~

5 ~~(d) Denial. The Office of Victim Advocate's denial of an~~
6 ~~agency's waiver request shall be made in writing and include a~~
7 ~~statement of specific reasons for denial.~~

8 ~~(e) Appeal. An agency may appeal the denial of its request~~
9 ~~pursuant to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and~~
10 ~~procedure of Commonwealth agencies).~~

11 ~~§ 6710. Emergency disclosure.~~

12 ~~(a) General rule. The Office of Victim Advocate shall~~
13 ~~establish a system to handle emergencies that will provide, on a~~
14 ~~24 hour basis, access to the actual address of a program~~
15 ~~participant.~~

16 ~~(b) Criteria. The Office of Victim Advocate may provide~~
17 ~~disclosure where:~~

18 ~~(1) failure to disclose a participant's actual address~~
19 ~~may result in physical harm to a program participant or the~~
20 ~~participant's family member if immediate disclosure is not~~
21 ~~made; or~~

22 ~~(2) for law enforcement purposes, where the agency is~~
23 ~~carrying out its normal functions and circumstances warrant~~
24 ~~immediate disclosure.~~

25 ~~(c) Procedure. The Office of Victim Advocate, when~~
26 ~~disclosing the program participant's actual address under this~~
27 ~~section, shall:~~

28 ~~(1) Verify the requesting party's identity and an~~
29 ~~immediate need to receive the information.~~

30 ~~(2) Upon a finding that the agency satisfies the~~

~~criteria under subsection (b), provide the agency with the actual address.~~

~~(d) Limited liability. In no event shall the Office of Victim Advocate be liable for good faith disclosure of a program participant's actual address, nor shall the Office of the Victim Advocate be liable for failure to disclose a program participant's actual address under this section.~~

~~§ 6711. Penalties.~~

~~(a) False information. Any person who knowingly provides false information in regard to a material fact in an application under section 6704 (relating to application and certification process) or 6705 (relating to persons eligible to become program participants) shall be subject to termination from the program and criminal penalties under 18 Pa.C.S. § 4904(a) (relating to unsworn falsification to authorities).~~

~~(b) Access by fraud or misrepresentation.~~

~~(1) Any person who attempts to gain access to any program participant's actual address through fraud or misrepresentation commits a misdemeanor of the first degree punishable under 18 Pa.C.S. §§ 106(a)(5) and (b)(6) (relating to classes of offenses) and 1101(4) (relating to fines).~~

~~(2) Any person who commits:~~

~~(i) a subsequent offense under paragraph (1); or~~

~~(ii) a first offense under paragraph (1) who has previously been convicted of any crime involving any program participant or the participant's family or household members as defined by section 6102 (relating to definitions), including, but not limited to, a violation of:~~

~~(A) 18 Pa.C.S. § 2701 (relating to simple~~

assault);

~~(B) 18 Pa.C.S. § 2702 (relating to aggravated assault);~~

~~(C) 18 Pa.C.S. § 2705 (relating to recklessly endangering another person);~~

~~(D) 18 Pa.C.S. § 2709 (relating to harassment)~~

~~(E) 18 Pa.C.S. § 2901 (relating to kidnapping);~~

~~(F) 18 Pa.C.S. § 3121 (relating to rape);~~

~~(G) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);~~

~~(H) 18 Pa.C.S. § 4954 (relating to protective orders); or~~

~~(I) 23 Pa.C.S. § 6108 (relating to relief);~~

~~commits a felony of the third degree punishable under~~

~~18 Pa.C.S. §§ 106(a)(4) and (b)(4) and 1101(3).~~

~~§ 6712. Rules and regulations.~~

~~The Office of Victim Advocate may adopt rules and regulations to administer this chapter.~~

~~Section 2. This act shall take effect in 180 days.~~

SECTION 1. SECTION 1302 OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 1302. APPLICATION FOR LICENSE.

(A) GENERAL RULE.--NO MARRIAGE LICENSE SHALL BE ISSUED EXCEPT UPON WRITTEN AND VERIFIED APPLICATION MADE BY BOTH OF THE PARTIES INTENDING TO MARRY.

(B) CONTENTS.--THE APPLICATION SHALL CONTAIN THE FOLLOWING:

(1) THE FULL NAME OF THE APPLICANTS.

(2) THE OCCUPATION, BIRTHPLACE, RESIDENCE AND AGE OF THE APPLICANTS. AN APPLICANT INTENDING TO MARRY WHO IS A PROGRAM PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM UNDER

1 CHAPTER 67 (RELATING TO DOMESTIC AND SEXUAL VIOLENCE VICTIM
2 ADDRESS CONFIDENTIALITY) MAY USE THE SUBSTITUTE ADDRESS
3 DESIGNATED BY THE OFFICE OF VICTIM ADVOCATE PURSUANT TO
4 CHAPTER 67 AS THE ADDRESS OF THEIR RESIDENCE.

5 (3) WHETHER THE MARRIAGE CONTEMPLATED IS THE FIRST,
6 SECOND OR OTHER MARRIAGE OF AN APPLICANT.

7 (4) A STATEMENT THAT NEITHER OF THE APPLICANTS IS
8 AFFLICTED WITH TRANSMISSIBLE DISEASE.

9 (5) THE FULL NAME, RESIDENCE, OCCUPATION AND BIRTHPLACE
10 OF THE PARENTS OF EACH APPLICANT, INCLUDING THE MAIDEN NAME
11 OF THE MOTHER OF EACH APPLICANT. AN APPLICANT MAY USE THE
12 SUBSTITUTE ADDRESS DESIGNATED BY THE OFFICE OF VICTIM
13 ADVOCATE PURSUANT TO CHAPTER 67 FOR A PARENT'S RESIDENCE IF:

14 (I) THE APPLICANT IS A PROGRAM PARTICIPANT IN THE
15 ADDRESS CONFIDENTIALITY PROGRAM UNDER CHAPTER 67 AND THE
16 APPLICANT RESIDES WITH THE APPLICANT'S PARENTS; OR

17 (II) THE APPLICANT'S PARENT IS A PROGRAM PARTICIPANT
18 IN THE ADDRESS CONFIDENTIALITY PROGRAM UNDER CHAPTER 67.

19 (6) ANY OTHER FACTS NECESSARY TO DETERMINE WHETHER A
20 LEGAL IMPEDIMENT TO THE PROPOSED MARRIAGE EXISTS.

21 SECTION 2. TITLE 23 IS AMENDED BY ADDING A CHAPTER TO READ:

22 CHAPTER 67

23 DOMESTIC AND SEXUAL VIOLENCE VICTIM ADDRESS CONFIDENTIALITY
24 SEC.

25 6701. SHORT TITLE OF CHAPTER.

26 6702. DEFINITIONS.

27 6703. ADDRESS CONFIDENTIALITY PROGRAM.

28 6704. PERSONS ELIGIBLE TO APPLY.

29 6705. APPLICATION AND CERTIFICATION PROCESS.

30 6706. CANCELLATION, EXPIRATION AND VOLUNTARY WITHDRAWAL.

1 6707. AGENCY USE OF DESIGNATED ADDRESS.

2 6708. DISCLOSURE OF ACTUAL ADDRESS.

3 6709. WAIVER PROCESS.

4 6710. EMERGENCY DISCLOSURE.

5 6711. PENALTIES.

6 6712. RULES AND REGULATIONS.

7 6713. CIVIL IMMUNITY.

8 § 6701. SHORT TITLE OF CHAPTER.

9 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE DOMESTIC
10 AND SEXUAL VIOLENCE VICTIM ADDRESS CONFIDENTIALITY ACT.

11 § 6702. DEFINITIONS.

12 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
13 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
14 CONTEXT CLEARLY INDICATES OTHERWISE:

15 "ACTUAL ADDRESS." A RESIDENTIAL ADDRESS, SCHOOL ADDRESS OR
16 WORK ADDRESS OF AN INDIVIDUAL.

17 "LAW ENFORCEMENT AGENCY." A POLICE DEPARTMENT OF A CITY,
18 BOROUGH, INCORPORATED TOWN OR TOWNSHIP, THE PENNSYLVANIA STATE
19 POLICE, DISTRICT ATTORNEYS' OFFICES, AND THE OFFICE OF ATTORNEY
20 GENERAL.

21 "OFFICE OF VICTIM ADVOCATE." THE OFFICE ESTABLISHED UNDER
22 SECTION 301 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111),
23 KNOWN AS THE CRIME VICTIMS ACT, THAT IS RESPONSIBLE FOR THE
24 ADDRESS CONFIDENTIALITY PROGRAM PURSUANT TO THIS CHAPTER.

25 "PROGRAM PARTICIPANT." A PERSON CERTIFIED BY THE OFFICE OF
26 VICTIM ADVOCATE AS ELIGIBLE TO PARTICIPATE IN THE ADDRESS
27 CONFIDENTIALITY PROGRAM ESTABLISHED BY THIS CHAPTER.

28 "SUBSTITUTE ADDRESS." THE OFFICIAL ADDRESS OF THE OFFICE OF
29 VICTIM ADVOCATE OR A CONFIDENTIAL ADDRESS DESIGNATED BY THE
30 OFFICE OF VICTIM ADVOCATE.

1 "VICTIM OF DOMESTIC VIOLENCE." A PERSON WHO IS A VICTIM AS
2 DEFINED BY SECTION 6102 (RELATING TO DEFINITIONS).

3 "VICTIM OF SEXUAL ASSAULT." A VICTIM OF AN OFFENSE
4 ENUMERATED IN 18 PA.C.S. §§ 3121 (RELATING TO RAPE), 4302
5 (RELATING TO INCEST), 6312 (RELATING TO SEXUAL ABUSE OF
6 CHILDREN), 6318 (RELATING TO UNLAWFUL CONTACT WITH MINOR) AND
7 6320 (RELATING TO SEXUAL EXPLOITATION OF CHILDREN).

8 "VICTIM OF STALKING." A VICTIM OF AN OFFENSE ENUMERATED IN
9 18 PA.C.S. § 2709.1 (RELATING TO STALKING).

10 § 6703. ADDRESS CONFIDENTIALITY PROGRAM.

11 (A) ESTABLISHMENT.--THE OFFICE OF VICTIM ADVOCATE SHALL
12 ESTABLISH A PROGRAM TO BE KNOWN AS THE ADDRESS CONFIDENTIALITY
13 PROGRAM. UPON APPLICATION AND CERTIFICATION, PERSONS ELIGIBLE
14 UNDER SECTION 6704 (RELATING TO PERSONS ELIGIBLE TO APPLY) SHALL
15 RECEIVE A CONFIDENTIAL, SUBSTITUTE ADDRESS PROVIDED BY THE
16 OFFICE OF VICTIM ADVOCATE.

17 (B) ADMINISTRATION.--THE OFFICE OF VICTIM ADVOCATE SHALL
18 FORWARD ALL FIRST CLASS, REGISTERED AND CERTIFIED MAIL AT NO
19 EXPENSE TO A PROGRAM PARTICIPANT WITHIN THREE BUSINESS DAYS. THE
20 OFFICE OF VICTIM ADVOCATE MAY ARRANGE TO RECEIVE AND FORWARD
21 OTHER CLASSES OR KINDS OF MAIL AT THE PROGRAM PARTICIPANT'S
22 EXPENSE.

23 (C) NOTICE.--UPON CERTIFICATION, THE OFFICE OF VICTIM
24 ADVOCATE SHALL PROVIDE NOTICE OF PARTICIPATION AND THE PROGRAM
25 PARTICIPANT'S SUBSTITUTE ADDRESS TO APPROPRIATE COURT OFFICIALS
26 INVOLVED IN AN ONGOING CIVIL OR CRIMINAL CASE IN WHICH A PROGRAM
27 PARTICIPANT IS A VICTIM, WITNESS, PLAINTIFF OR DEFENDANT.

28 (D) RECORDS.--ALL RECORDS RELATING TO APPLICANTS AND PROGRAM
29 PARTICIPANTS ARE THE PROPERTY OF THE OFFICE OF VICTIM ADVOCATE.
30 THESE RECORDS, INCLUDING PROGRAM APPLICATIONS, PARTICIPANTS'

1 ACTUAL ADDRESSES AND WAIVER PROCEEDINGS, SHALL BE KEPT
2 CONFIDENTIAL AND SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE
3 ACT OF JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS THE
4 RIGHT-TO-KNOW LAW, EXCEPT THAT RECORDS MAY BE RELEASED AS
5 SPECIFICALLY SET FORTH IN THIS CHAPTER AND TO A DISTRICT
6 ATTORNEY TO THE EXTENT NECESSARY FOR THE PROSECUTION OF CONDUCT
7 AS SET FORTH IN SECTION 6711 (RELATING TO PENALTIES).

8 § 6704. PERSONS ELIGIBLE TO APPLY.

9 THE FOLLOWING PERSONS SHALL BE ELIGIBLE TO APPLY TO BECOME
10 PROGRAM PARTICIPANTS:

11 (1) A VICTIM OF DOMESTIC VIOLENCE WHO FILES AN AFFIDAVIT
12 WITH THE OFFICE OF VICTIM ADVOCATE STATING THE AFFIANT'S
13 ELIGIBILITY FOR A PROTECTION FROM ABUSE ORDER AND FURTHER
14 STATING THAT THE AFFIANT FEARS FUTURE VIOLENT ACTS BY THE
15 PERPETRATOR OF THE ABUSE.

16 (2) A VICTIM OF SEXUAL ASSAULT WHO FILES AN AFFIDAVIT
17 WITH THE OFFICE OF VICTIM ADVOCATE DESCRIBING THE
18 PERPETRATOR'S VIOLENT ACTIONS OR THREATENED VIOLENT ACTIONS
19 TOWARD THE AFFIANT AND FURTHER STATING THAT THE AFFIANT FEARS
20 FUTURE VIOLENT ACTS BY THE PERPETRATOR OF THE SEXUAL
21 VIOLENCE.

22 (3) A VICTIM OF STALKING WHO FILES AN AFFIDAVIT WITH THE
23 OFFICE OF VICTIM ADVOCATE DESCRIBING THE PERPETRATOR'S COURSE
24 OF CONDUCT OR REPEATED ACTIONS TOWARD THE AFFIANT MEETING THE
25 CRITERIA ENUMERATED IN 18 PA.C.S. § 2709.1 (RELATING TO
26 STALKING) AND FURTHER STATING THAT THE AFFIANT FEARS FUTURE
27 VIOLENT ACTS BY THE PERPETRATOR OF THE STALKING.

28 (4) A PERSON WHO IS A MEMBER OF THE SAME HOUSEHOLD AS A
29 PROGRAM PARTICIPANT.

30 (5) A PROGRAM PARTICIPANT WHO NOTIFIES THE OFFICE OF

VICTIM ADVOCATE OF THE PARTICIPANT'S INTENT TO CONTINUE IN
THE PROGRAM PRIOR TO THE EXPIRATION OF CERTIFICATION.

§ 6705. APPLICATION AND CERTIFICATION PROCESS.

(A) GENERAL RULE.--A PERSON MUST FILE AN APPLICATION WITH
THE OFFICE OF VICTIM ADVOCATE ON A FORM PRESCRIBED BY THE OFFICE
OF VICTIM ADVOCATE. THE OFFICE OF VICTIM ADVOCATE SHALL CERTIFY
ELIGIBLE APPLICANTS AS PROGRAM PARTICIPANTS IN ACCORDANCE WITH
THE PROCEDURES OUTLINED IN SUBSECTION (B). CERTIFICATION SHALL
BE VALID FOR A PERIOD OF THREE YEARS FOLLOWING THE DATE OF
CERTIFICATION UNLESS THE CERTIFICATION IS WITHDRAWN OR CANCELED
BEFORE THE EXPIRATION OF THAT PERIOD.

(B) REQUIREMENTS FOR CERTIFICATION.--THE OFFICE OF VICTIM
ADVOCATE SHALL CERTIFY AN APPLICANT AS A PROGRAM PARTICIPANT IF:

(1) THE APPLICANT MEETS THE ELIGIBILITY REQUIREMENTS
UNDER SECTION 6704 (RELATING TO PERSONS ELIGIBLE TO APPLY).

(2) THE APPLICANT DESIGNATES THE OFFICE OF VICTIM
ADVOCATE AS AN AGENT FOR THE PURPOSE OF RECEIVING SERVICE OF
PROCESS.

(3) THE APPLICATION CONTAINS THE APPLICANT'S ACTUAL
ADDRESS AND TELEPHONE NUMBER WHERE THE APPLICANT CAN BE
CONTACTED.

(4) THE APPLICATION CONTAINS A LIST OF ALL PENDING CIVIL
AND CRIMINAL PROCEEDINGS, IN WHICH THE APPLICANT IS A VICTIM,
WITNESS, PLAINTIFF OR DEFENDANT AND, IF APPLICABLE, THE
APPLICANT'S INVOLVEMENT WITH STATE AND COUNTY PROBATION AND
PAROLE.

(5) THE APPLICATION CONTAINS A STATEMENT SIGNED BY THE
APPLICANT AFFIRMING THAT THE INFORMATION PROVIDED BY THE
APPLICANT IS TRUE TO THE BEST OF THE APPLICANT'S INFORMATION,
KNOWLEDGE AND BELIEF.

(6) THE APPLICATION CONTAINS A STATEMENT SIGNED BY THE APPLICANT ACKNOWLEDGING THAT THE APPLICANT HAS A CONTINUING DUTY TO NOTIFY THE OFFICE OF VICTIM ADVOCATE OF ANY CHANGE IN THE INFORMATION PROVIDED TO THE OFFICE OF VICTIM ADVOCATE IN ACCORDANCE WITH THIS CHAPTER. THE DUTY SHALL REMAIN IN EFFECT FOR THE DURATION OF PARTICIPATION IN THE PROGRAM.

(7) THE APPLICATION CONTAINS THE DATE, THE APPLICANT'S SIGNATURE AND THE SIGNATURE OF ANY PERSON WHO ASSISTED IN THE PREPARATION OF THE APPLICATION.

§ 6706. CANCELLATION, EXPIRATION AND VOLUNTARY WITHDRAWAL.

(A) CANCELLATION.--THE OFFICE OF VICTIM ADVOCATE SHALL CANCEL THE CERTIFICATION OF A PROGRAM PARTICIPANT IF:

(1) THE PROGRAM PARTICIPANT WILLINGLY PROVIDED FALSE INFORMATION ON ANY PORTION OF THE APPLICATION;

(2) THE PROGRAM PARTICIPANT FAILED TO NOTIFY THE OFFICE OF VICTIM ADVOCATE WITHIN FIVE DAYS OF A NAME CHANGE OR AN ADDRESS CHANGE; OR

(3) THE PROGRAM PARTICIPANT'S MAIL IS RETURNED TO THE OFFICE OF VICTIM ADVOCATE AS NONDELIVERABLE.

(B) EXPIRATION.--CERTIFICATION AS A PROGRAM PARTICIPANT SHALL EXPIRE THREE YEARS FROM THE DATE ON WHICH AN APPLICANT WAS CERTIFIED AS A PROGRAM PARTICIPANT. THE OFFICE OF VICTIM ADVOCATE SHALL SEND WRITTEN NOTIFICATION OF PENDING EXPIRATION TO A PROGRAM PARTICIPANT'S LAST KNOWN ACTUAL ADDRESS 30 DAYS PRIOR TO THE EXPIRATION OF CERTIFICATION.

(C) WITHDRAWAL.--A PROGRAM PARTICIPANT MAY WITHDRAW AT ANY TIME BY NOTIFYING THE OFFICE OF VICTIM ADVOCATE IN WRITING.

(D) EFFECT OF CANCELLATION, EXPIRATION OR WITHDRAWAL.--NOTWITHSTANDING CANCELLATION, EXPIRATION OR PRIOR WITHDRAWAL FROM THE PROGRAM, ALL PERSONS ELIGIBLE TO APPLY TO BECOME

1 PROGRAM PARTICIPANTS MAY REAPPLY FOR PARTICIPATION IN THE
2 PROGRAM.

3 § 6707. AGENCY USE OF DESIGNATED ADDRESS.

4 STATE AND LOCAL GOVERNMENT AGENCIES SHALL ACCEPT THE
5 SUBSTITUTE ADDRESS DESIGNATED BY THE OFFICE OF VICTIM ADVOCATE
6 AS THE PROGRAM PARTICIPANT'S ADDRESS, EXCEPT AS FOLLOWS:

7 (1) WHEN THE STATE OR LOCAL GOVERNMENT AGENCY HAS BEEN
8 GRANTED A WAIVER PURSUANT TO SECTION 6709 (RELATING TO WAIVER
9 PROCESS); OR

10 (2) WHEN THE PROGRAM PARTICIPANT IS ANY OF THE
11 FOLLOWING:

12 (I) A RELEASED OFFENDER COMPLYING WITH STATE OR
13 COUNTY PROBATION OR PAROLE REQUIREMENTS; OR

14 (II) A CONVICTED SEXUAL OFFENDER WHO HAS FULFILLED
15 THE OFFENDER'S SENTENCE BUT MUST REGISTER THE OFFENDER'S
16 COMMUNITY RESIDENCE AS REQUIRED UNDER 42 PA.C.S. §§
17 9795.1 (RELATING TO REGISTRATION) AND 9795.2 (RELATING TO
18 REGISTRATION PROCEDURES AND APPLICABILITY) OR ANY SIMILAR
19 REGISTRATION REQUIREMENT IMPOSED BY ANY OTHER
20 JURISDICTION.

21 § 6708. DISCLOSURE OF ACTUAL ADDRESS.

22 THE OFFICE OF VICTIM ADVOCATE SHALL NOT DISCLOSE THE ACTUAL
23 ADDRESS OF A PROGRAM PARTICIPANT EXCEPT TO ANY OF THE FOLLOWING:

24 (1) A STATE OR LOCAL GOVERNMENT AGENCY WHEN THE STATE OR
25 LOCAL GOVERNMENT AGENCY HAS BEEN GRANTED A WAIVER BY THE
26 OFFICE OF VICTIM ADVOCATE AND THE DISCLOSURE IS MADE PURSUANT
27 TO SECTION 6709 (RELATING TO WAIVER PROCESS).

28 (2) A PERSON OR AGENCY WHEN DISCLOSURE IS DETERMINED BY
29 THE OFFICE OF VICTIM ADVOCATE TO BE REQUIRED DUE TO AN
30 EMERGENCY AND THE DISCLOSURE IS MADE PURSUANT TO SECTION 6710

(RELATING TO EMERGENCY DISCLOSURE).

(3) A PERSON IDENTIFIED IN AN ORDER OF COURT DIRECTING THE OFFICE OF VICTIM ADVOCATE TO DISCLOSE THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS AND DISCLOSURE IS MADE PURSUANT TO THE COURT ORDER.

§ 6709. WAIVER PROCESS.

(A) REQUEST FOR WAIVER.--A STATE OR LOCAL GOVERNMENT AGENCY REQUESTING DISCLOSURE OF A PROGRAM PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO THIS SECTION SHALL MAKE SUCH A REQUEST IN WRITING ON AGENCY LETTERHEAD AND SHALL PROVIDE THE OFFICE OF VICTIM ADVOCATE WITH THE FOLLOWING INFORMATION:

(1) THE NAME OF THE PROGRAM PARTICIPANT FOR WHOM THE AGENCY SEEKS DISCLOSURE OF THE ACTUAL ADDRESS.

(2) A STATEMENT, WITH EXPLANATION, SETTING FORTH THE REASON OR REASONS THAT THE AGENCY NEEDS THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS AND A STATEMENT THAT THE AGENCY CANNOT MEET ITS STATUTORY OR ADMINISTRATIVE OBLIGATIONS WITHOUT DISCLOSURE OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS.

(3) A PARTICULAR STATEMENT OF FACTS SHOWING THAT OTHER METHODS TO LOCATE THE PROGRAM PARTICIPANT OR THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS HAVE BEEN TRIED AND HAVE FAILED OR THAT THE METHODS REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED.

(4) A STATEMENT THAT THE AGENCY HAS ADOPTED A PROCEDURE SETTING FORTH THE STEPS THE AGENCY WILL TAKE TO PROTECT THE CONFIDENTIALITY OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS.

(B) NOTICE TO PROGRAM PARTICIPANT.--

(1) EXCEPT AS PROVIDED IN PARAGRAPH (3), THE OFFICE OF VICTIM ADVOCATE SHALL PROVIDE THE PROGRAM PARTICIPANT WITH

1 NOTICE OF A REQUEST FOR WAIVER RECEIVED PURSUANT TO
2 SUBSECTION (A) AND TO THE EXTENT POSSIBLE, THE PROGRAM
3 PARTICIPANT SHALL BE AFFORDED AN OPPORTUNITY TO BE HEARD
4 REGARDING THE REQUEST.

5 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3), THE OFFICE OF
6 VICTIM ADVOCATE SHALL PROVIDE THE PROGRAM PARTICIPANT WITH
7 WRITTEN NOTIFICATION WHENEVER A WAIVER HAS BEEN GRANTED OR
8 DENIED PURSUANT TO THIS SECTION.

9 (3) NO NOTICE OR OPPORTUNITY TO BE HEARD SHALL BE GIVEN
10 TO THE PROGRAM PARTICIPANT WHEN THE REQUEST FOR DISCLOSURE IS
11 MADE BY A STATE OR LOCAL LAW ENFORCEMENT AGENCY CONDUCTING A
12 CRIMINAL INVESTIGATION INVOLVING ALLEGED CRIMINAL CONDUCT BY
13 THE PROGRAM PARTICIPANT OR WHEN PROVIDING NOTICE TO THE
14 PROGRAM PARTICIPANT WOULD JEOPARDIZE AN ONGOING CRIMINAL
15 INVESTIGATION OR THE SAFETY OF LAW ENFORCEMENT PERSONNEL.

16 (C) REVIEW OF REQUEST FOR WAIVER.--THE OFFICE OF VICTIM
17 ADVOCATE SHALL PROMPTLY CONDUCT A REVIEW OF ALL REQUESTS
18 RECEIVED PURSUANT TO THIS SECTION. IN CONDUCTING A REVIEW, THE
19 OFFICE OF VICTIM ADVOCATE SHALL CONSIDER ALL INFORMATION
20 RECEIVED PURSUANT TO SUBSECTIONS (A) AND (B) AND ANY OTHER
21 APPROPRIATE INFORMATION THAT THE OFFICE OF VICTIM ADVOCATE MAY
22 REQUIRE.

23 (D) CRITERIA FOR GRANTING A REQUEST FOR WAIVER.--THE OFFICE
24 OF VICTIM ADVOCATE SHALL GRANT A STATE OR LOCAL GOVERNMENT
25 AGENCY'S REQUEST FOR WAIVER AND RELEASE A PROGRAM PARTICIPANT'S
26 ACTUAL ADDRESS PURSUANT TO THIS SECTION IF:

27 (1) THE AGENCY HAS A BONA FIDE STATUTORY OR
28 ADMINISTRATIVE NEED FOR THE ACTUAL ADDRESS;

29 (2) THE ACTUAL ADDRESS WILL ONLY BE USED FOR THE PURPOSE
30 STATED IN THE REQUEST;

1 (3) OTHER METHODS TO LOCATE THE PROGRAM PARTICIPANT OR
2 THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS HAVE BEEN TRIED AND
3 HAVE FAILED, OR THAT SUCH METHODS REASONABLY APPEAR TO BE
4 UNLIKELY TO SUCCEED; AND

5 (4) THE AGENCY HAS ADOPTED A PROCEDURE FOR PROTECTING
6 THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF THE PROGRAM
7 PARTICIPANT.

8 (E) FORM OF WAIVER.--UPON GRANTING A REQUEST FOR WAIVER
9 PURSUANT TO THIS SECTION, THE OFFICE OF VICTIM ADVOCATE SHALL
10 PROVIDE THE STATE OR LOCAL GOVERNMENT AGENCY RECEIVING THE
11 WAIVER WITH A FORM CONTAINING:

12 (1) THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS;

13 (2) A STATEMENT SETTING FORTH THE PERMITTED USE OF THE
14 ACTUAL ADDRESS AND THE NAMES OR CLASSES OF PERSONS PERMITTED
15 TO HAVE ACCESS TO AND USE OF THE ACTUAL ADDRESS;

16 (3) A STATEMENT THAT THE AGENCY RECEIVING THE WAIVER IS
17 REQUIRED TO LIMIT ACCESS TO AND USE OF THE ACTUAL ADDRESS TO
18 THE PERMITTED USE AND PERSONS SET FORTH IN THE WAIVER; AND

19 (4) THE DATE ON WHICH THE WAIVER EXPIRES, IF THE
20 PERMITTED USE MAKES THE EXPIRATION APPROPRIATE, AFTER WHICH
21 THE AGENCY MAY NO LONGER MAINTAIN, USE OR HAVE ACCESS TO THE
22 ACTUAL ADDRESS.

23 (F) REQUIREMENTS OF A STATE AND LOCAL GOVERNMENT AGENCY
24 RECEIVING A WAIVER.--A STATE OR LOCAL GOVERNMENT AGENCY GRANTED
25 A WAIVER BY THE OFFICE OF VICTIM ADVOCATE PURSUANT TO THIS
26 SECTION SHALL:

27 (1) LIMIT THE USE OF THE PROGRAM PARTICIPANT'S ACTUAL
28 ADDRESS TO THE PURPOSES SET FORTH IN THE WAIVER;

29 (2) LIMIT THE ACCESS TO THE PROGRAM PARTICIPANT'S ACTUAL
30 ADDRESS TO THE PERSONS OR CLASSES OF PERSONS SET FORTH IN THE

1 WAIVER;

2 (3) CEASE TO USE AND DISPOSE OF THE PROGRAM
3 PARTICIPANT'S ACTUAL ADDRESS UPON THE EXPIRATION OF THE
4 WAIVER; AND

5 (4) EXCEPT AS OTHERWISE SET FORTH IN THE WAIVER,
6 MAINTAIN THE CONFIDENTIALITY OF A PROGRAM PARTICIPANT'S
7 ACTUAL ADDRESS.

8 (G) DENIAL OF REQUEST FOR WAIVER.--UPON DENIAL OF A STATE OR
9 LOCAL GOVERNMENT AGENCY'S REQUEST FOR WAIVER, THE OFFICE OF
10 VICTIM ADVOCATE SHALL PROVIDE PROMPT WRITTEN NOTIFICATION TO THE
11 AGENCY STATING THAT THE AGENCY'S REQUEST HAS BEEN DENIED AND
12 SETTING FORTH THE SPECIFIC REASONS FOR THE DENIAL.

13 (H) FILING OF EXCEPTIONS.--A STATE OR LOCAL GOVERNMENT
14 AGENCY MAY FILE WRITTEN EXCEPTIONS WITH THE OFFICE OF VICTIM
15 ADVOCATE NO MORE THAN 15 DAYS AFTER WRITTEN NOTIFICATION IS
16 PROVIDED PURSUANT TO SUBSECTION (G). THE EXCEPTIONS SHALL
17 RESTATE THE INFORMATION CONTAINED IN THE REQUEST FOR WAIVER,
18 STATE THE GROUNDS UPON WHICH THE AGENCY ASSERTS THAT THE REQUEST
19 FOR WAIVER SHOULD BE GRANTED AND SPECIFICALLY RESPOND TO THE
20 OFFICE OF VICTIM ADVOCATE'S SPECIFIC REASONS FOR DENIAL.

21 (I) REVIEW OF EXCEPTIONS AND DETERMINATION.--UNLESS THE
22 STATE OR LOCAL GOVERNMENT AGENCY FILING EXCEPTIONS AGREES
23 OTHERWISE, THE OFFICE OF VICTIM ADVOCATE SHALL MAKE A FINAL
24 DETERMINATION REGARDING THE EXCEPTIONS WITHIN 30 DAYS AFTER THE
25 FILING OF EXCEPTIONS PURSUANT TO SUBSECTION (H). PRIOR TO MAKING
26 A FINAL DETERMINATION REGARDING THE EXCEPTIONS, THE OFFICE OF
27 VICTIM ADVOCATE MAY REQUEST ADDITIONAL INFORMATION FROM THE
28 AGENCY OR THE PROGRAM PARTICIPANT AND CONDUCT A HEARING. IF THE
29 FINAL DETERMINATION OF THE OFFICE OF VICTIM ADVOCATE IS THAT THE
30 DENIAL OF THE AGENCY'S REQUEST FOR WAIVER WAS PROPERLY DENIED,

1 THE OFFICE OF VICTIM ADVOCATE SHALL PROVIDE THE AGENCY WITH
2 WRITTEN NOTIFICATION OF THIS FINAL DETERMINATION STATING THAT
3 THE AGENCY'S REQUEST HAS AGAIN BEEN DENIED AND SETTING FORTH THE
4 SPECIFIC REASONS FOR THE DENIAL. IF THE FINAL DETERMINATION OF
5 THE OFFICE OF VICTIM ADVOCATE IS THAT THE DENIAL OF THE AGENCY'S
6 REQUEST FOR WAIVER HAS BEEN IMPROPERLY DENIED, THE OFFICE OF
7 VICTIM ADVOCATE SHALL GRANT THE AGENCY'S REQUEST FOR WAIVER IN
8 ACCORDANCE WITH THIS SECTION. THE FINAL DETERMINATION OF THE
9 OFFICE OF VICTIM ADVOCATE SHALL BE THE FINAL ORDER OF THE OFFICE
10 OF VICTIM ADVOCATE.

11 (J) AGENCY APPEAL OF FINAL DETERMINATION.--WITHIN 30 DAYS
12 AFTER NOTIFICATION THAT THE OFFICE OF VICTIM ADVOCATE HAS MADE A
13 FINAL DETERMINATION AFFIRMING THE DENIAL OF A STATE OR LOCAL
14 GOVERNMENT AGENCY'S REQUEST FOR WAIVER, AN AGENCY MAY FILE A
15 PETITION FOR REVIEW OR ANY SUCH OTHER DOCUMENT AS PERMITTED OR
16 REQUIRED BY GENERAL COURT RULES. THE OFFICE OF VICTIM ADVOCATE
17 SHALL BE GIVEN NOTICE OF ANY ACTION COMMENCED IN ACCORDANCE WITH
18 THIS SUBSECTION OR GENERAL RULE AND SHALL BE AFFORDED AN
19 OPPORTUNITY TO RESPOND AS PERMITTED OR REQUIRED BY GENERAL COURT
20 RULES.

21 (K) RECORD ON APPEAL.--THE RECORD BEFORE ANY COURT HEARING
22 AN AGENCY APPEAL PURSUANT TO SUBSECTION (J) SHALL CONSIST OF THE
23 STATE OR LOCAL GOVERNMENT AGENCY'S REQUEST FOR WAIVER, THE
24 OFFICE OF VICTIM ADVOCATE'S WRITTEN RESPONSE, THE AGENCY'S
25 EXCEPTIONS, THE HEARING TRANSCRIPT, IF ANY, AND THE OFFICE OF
26 VICTIM ADVOCATE'S FINAL DETERMINATION.

27 (L) USE OF SUBSTITUTE ADDRESS DURING CERTAIN PERIODS.--
28 DURING ANY PERIOD OF REVIEW, EVALUATION OR APPEAL, THE AGENCY
29 SHALL, TO THE EXTENT POSSIBLE, ACCEPT AND USE THE PROGRAM
30 PARTICIPANT'S SUBSTITUTE ADDRESS.

1 (M) WAIVER.--NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
2 PREVENT THE OFFICE OF VICTIM ADVOCATE FROM GRANTING A WAIVER TO
3 A STATE OR LOCAL GOVERNMENT AGENCY PURSUANT TO THIS SECTION UPON
4 RECEIPT OF A PROGRAM PARTICIPANT'S WRITTEN CONSENT TO DO SO.

5 § 6710. EMERGENCY DISCLOSURE.

6 (A) GENERAL RULE.--THE OFFICE OF VICTIM ADVOCATE SHALL
7 ESTABLISH A SYSTEM TO RESPOND TO REQUESTS FOR EMERGENCY
8 DISCLOSURES THAT WILL PROVIDE FOR 24-HOUR ACCESS TO A PROGRAM
9 PARTICIPANT'S ACTUAL ADDRESS.

10 (B) REQUEST FOR EMERGENCY DISCLOSURE.--A GOVERNMENT AGENCY
11 MAY REQUEST THAT THE OFFICE OF VICTIM ADVOCATE DISCLOSE A
12 PROGRAM PARTICIPANT'S ACTUAL ADDRESS THROUGH THE SYSTEM
13 ESTABLISHED PURSUANT TO SUBSECTION (A). THE OFFICE OF VICTIM
14 ADVOCATE SHALL DISCLOSE A PROGRAM PARTICIPANT'S ACTUAL ADDRESS
15 IF THE DISCLOSURE:

16 (1) WILL PREVENT PHYSICAL HARM TO A PROGRAM PARTICIPANT
17 OR TO A PROGRAM PARTICIPANT'S FAMILY MEMBER; OR

18 (2) IS MADE TO A LAW ENFORCEMENT AGENCY FOR LAW
19 ENFORCEMENT PURPOSES AND THE CIRCUMSTANCES WARRANT IMMEDIATE
20 DISCLOSURE.

21 (C) REQUIREMENTS FOR EMERGENCY DISCLOSURE.--PRIOR TO
22 DISCLOSING A PROGRAM PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO
23 THIS SECTION, THE OFFICE OF VICTIM ADVOCATE SHALL REQUIRE:

24 (1) VERIFICATION OF THE REQUESTER'S IDENTITY AND THE
25 REQUESTER'S EMPLOYMENT WITH A GOVERNMENT AGENCY;

26 (2) VERIFICATION OF THE STATED REASON FOR THE REQUEST TO
27 ADEQUATELY ENSURE THAT EMERGENCY DISCLOSURE IS REQUIRED
28 PURSUANT TO SUBSECTION (B);

29 (3) PROOF, TO THE SATISFACTION OF THE OFFICE OF VICTIM
30 ADVOCATE, THAT OTHER METHODS TO LOCATE THE PROGRAM

1 PARTICIPANT OR THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS HAVE
2 BEEN TRIED AND HAVE FAILED OR THAT THE METHODS REASONABLY
3 APPEAR TO BE UNLIKELY TO SUCCEED GIVEN THE CIRCUMSTANCES OF
4 THE STATED REASON FOR THE REQUEST;

5 (4) THAT THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS ONLY
6 BE USED BY THE REQUESTER OR THE AGENCY TO THE EXTENT
7 NECESSARY TO RESPOND TO THE STATED REASON FOR THE REQUEST;

8 (5) THAT THE REQUESTER AND THE REQUESTER'S AGENCY
9 MAINTAIN THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF THE
10 PROGRAM PARTICIPANT; AND

11 (6) THAT THE REQUESTER AND THE REQUESTER'S AGENCY AGREE
12 TO DISPOSE OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS AS
13 SOON AS PRACTICABLE AFTER THE CIRCUMSTANCES SURROUNDING THE
14 STATED REASON FOR THE REQUEST NO LONGER REQUIRE EMERGENCY
15 DISCLOSURE PURSUANT TO THIS SECTION.

16 § 6711. PENALTIES.

17 (A) FALSE INFORMATION.--ANY PERSON WHO KNOWINGLY PROVIDES
18 FALSE INFORMATION IN REGARD TO A MATERIAL FACT CONTAINED IN ANY
19 APPLICATION MADE PURSUANT TO SECTION 6704 (RELATING TO PERSONS
20 ELIGIBLE TO APPLY) OR 6705 (RELATING TO APPLICATION AND
21 CERTIFICATION PROCESS) SHALL BE SUBJECT TO TERMINATION FROM THE
22 PROGRAM AND TO CRIMINAL PENALTIES UNDER 18 PA.C.S. § 4904
23 (RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES).

24 (B) ACCESS BY FRAUD OR MISREPRESENTATION.--

25 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), ANY PERSON WHO
26 INTENTIONALLY, KNOWINGLY OR RECKLESSLY ATTEMPTS TO GAIN
27 ACCESS TO OR GAINS ACCESS TO A PROGRAM PARTICIPANT'S ACTUAL
28 ADDRESS BY FRAUD OR MISREPRESENTATION COMMITS A MISDEMEANOR
29 OF THE SECOND DEGREE. A SECOND OR SUBSEQUENT VIOLATION OF
30 THIS PARAGRAPH SHALL BE GRADED AS A FELONY OF THE THIRD

1 DEGREE.

2 (2) A FIRST OFFENSE UNDER PARAGRAPH (1) SHALL BE GRADED
3 AS A FELONY OF THE THIRD DEGREE IF IT IS COMMITTED BY ANY
4 PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF A CRIME OF
5 VIOLENCE INVOLVING THE PROGRAM PARTICIPANT UNDER PARAGRAPH
6 (1) OR THE PROGRAM PARTICIPANT'S FAMILY OR HOUSEHOLD MEMBER
7 AS DEFINED IN SECTION 6102 (RELATING TO DEFINITIONS)
8 INCLUDING:

9 18 PA.C.S. § 2701 (RELATING TO SIMPLE ASSAULT);

10 18 PA.C.S. § 2702 (RELATING TO AGGRAVATED ASSAULT);

11 18 PA.C.S. § 2705 (RELATING TO RECKLESSLY ENDANGERING
12 ANOTHER PERSON);

13 18 PA.C.S. § 2709 (RELATING TO HARASSMENT);

14 18 PA.C.S. § 2709.1 (RELATING TO STALKING);

15 18 PA.C.S. § 2901 (RELATING TO KIDNAPPING);

16 18 PA.C.S. § 3121 (RELATING TO RAPE);

17 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
18 SEXUAL INTERCOURSE);

19 18 PA.C.S. § 4954 (RELATING TO PROTECTIVE ORDERS); OR

20 23 PA.C.S. § 6108 (RELATING TO RELIEF).

21 (C) UNAUTHORIZED USE OF DISCLOSED ACTUAL ADDRESS.--A PERSON
22 WHO LAWFULLY OBTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS
23 PURSUANT TO AN EXCEPTION CONTAINED IN SECTION 6708 (RELATING TO
24 DISCLOSURE OF ACTUAL ADDRESS) AND WHO SUBSEQUENTLY DISCLOSES OR
25 USES THE ACTUAL ADDRESS IN A MANNER NOT AUTHORIZED BY THIS
26 CHAPTER COMMITS A SUMMARY OFFENSE.

27 § 6712. RULES AND REGULATIONS.

28 THE OFFICE OF VICTIM ADVOCATE SHALL HAVE THE FOLLOWING DUTIES
29 IN ORDER TO IMPLEMENT THIS CHAPTER:

30 (1) THE OFFICE OF VICTIM ADVOCATE SHALL ADOPT AND USE

1 GUIDELINES, WHICH SHALL BE PUBLISHED IN THE PENNSYLVANIA
2 BULLETIN. THE GUIDELINES SHALL NOT BE SUBJECT TO REVIEW UNDER
3 SECTION 205 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240),
4 REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW, OR THE ACT OF
5 JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY
6 REVIEW ACT.

7 (2) BY JULY 1, 2006, THE OFFICE OF VICTIM ADVOCATE
8 SHALL, IN ACCORDANCE WITH LAW, PROMULGATE REGULATIONS TO
9 REPLACE THE GUIDELINES UNDER PARAGRAPH (1).

10 (3) THE GUIDELINES UNDER PARAGRAPH (1) SHALL TAKE EFFECT
11 IN 180 DAYS AND EXPIRE ON THE EARLIER OF THE EFFECTIVE DATE
12 OF REGULATIONS PROMULGATED UNDER PARAGRAPH (2) OR JULY 1,
13 2007.

14 § 6713. CIVIL IMMUNITY.

15 EXCEPT FOR GROSS NEGLIGENCE, RECKLESSNESS OR INTENTIONAL
16 MISCONDUCT, THE OFFICE OF VICTIM ADVOCATE, LAW ENFORCEMENT
17 AGENCIES AND ALL AGENTS, CONTRACTORS AND EMPLOYEES OF THE OFFICE
18 OF VICTIM ADVOCATE OR A LAW ENFORCEMENT AGENCY SHALL BE IMMUNE
19 FROM CIVIL LIABILITY IN ANY ACTION ARISING IN CONNECTION WITH
20 THIS CHAPTER.

21 SECTION 3. SECTIONS 1103.1(A), 1132.1(A), 1305(A) AND (D)
22 AND 1510(A) OF TITLE 75 ARE AMENDED TO READ:

23 § 1103.1. APPLICATION FOR CERTIFICATE OF TITLE.

24 (A) CONTENTS OF APPLICATION.--APPLICATION FOR A CERTIFICATE
25 OF TITLE SHALL BE MADE UPON A FORM PRESCRIBED AND FURNISHED BY
26 THE DEPARTMENT AND SHALL CONTAIN A FULL DESCRIPTION OF THE
27 VEHICLE, THE VEHICLE IDENTIFICATION NUMBER, ODOMETER READING,
28 DATE OF PURCHASE, THE ACTUAL OR BONA FIDE NAME AND ADDRESS OF
29 THE OWNER, A STATEMENT OF THE TITLE OF APPLICANT, TOGETHER WITH
30 ANY OTHER INFORMATION OR DOCUMENTS THE DEPARTMENT REQUIRES TO

1 IDENTIFY THE VEHICLE AND TO ENABLE THE DEPARTMENT TO DETERMINE
2 WHETHER THE OWNER IS ENTITLED TO A CERTIFICATE OF TITLE, AND THE
3 DESCRIPTION OF ANY SECURITY INTERESTS IN THE VEHICLE. PROGRAM
4 PARTICIPANTS IN THE ADDRESS CONFIDENTIALITY PROGRAM UNDER 23
5 PA.C.S. CH. 67 (RELATING TO DOMESTIC AND SEXUAL VIOLENCE VICTIM
6 ADDRESS CONFIDENTIALITY) MAY USE A SUBSTITUTE ADDRESS DESIGNATED
7 BY THE OFFICE OF VICTIM ADVOCATE AS THEIR ADDRESS.

8 * * *

9 § 1132.1. PERFECTION OF A SECURITY INTEREST IN A VEHICLE.

10 (A) PERFECTION.--A SECURITY INTEREST IN A VEHICLE TITLED IN
11 THIS COMMONWEALTH IS PERFECTED AT THE TIME THE DEPARTMENT
12 RECEIVES ALL OF THE FOLLOWING:

13 (1) A COMPLETED APPLICATION SPECIFYING THE LIENHOLDER'S
14 NAME AND ADDRESS. PROGRAM PARTICIPANTS IN THE ADDRESS
15 CONFIDENTIALITY PROGRAM UNDER 23 PA.C.S. CH. 67 (RELATING TO
16 DOMESTIC AND SEXUAL VIOLENCE VICTIM ADDRESS CONFIDENTIALITY)
17 MAY USE A SUBSTITUTE ADDRESS DESIGNATED BY THE OFFICE OF
18 VICTIM ADVOCATE AS THEIR ADDRESS.

19 (2) AN AMOUNT EQUAL TO OR GREATER THAN THE FEE REQUIRED
20 BY SECTION 1953 (RELATING TO SECURITY INTEREST).

21 (3) THE MANUFACTURER'S STATEMENT OF ORIGIN OR THE
22 EXISTING CERTIFICATE OF TITLE FOR THE VEHICLE.

23 * * *

24 § 1305. APPLICATION FOR REGISTRATION.

25 (A) GENERAL RULE.--APPLICATION FOR THE REGISTRATION OF A
26 VEHICLE SHALL BE MADE TO THE DEPARTMENT UPON THE APPROPRIATE
27 FORM OR FORMS FURNISHED BY THE DEPARTMENT. THE APPLICATION SHALL
28 CONTAIN THE FULL NAME AND ADDRESS OF THE OWNER OR OWNERS; THE
29 MAKE, MODEL, YEAR AND VEHICLE IDENTIFICATION NUMBER OF THE
30 VEHICLE; AND SUCH OTHER INFORMATION AS THE DEPARTMENT MAY

1 REQUIRE. PROGRAM PARTICIPANTS IN THE ADDRESS CONFIDENTIALITY
2 PROGRAM UNDER 23 PA.C.S. CH. 67 (RELATING TO DOMESTIC AND SEXUAL
3 VIOLENCE VICTIM ADDRESS CONFIDENTIALITY) MAY USE A SUBSTITUTE
4 ADDRESS DESIGNATED BY THE OFFICE OF VICTIM ADVOCATE AS THEIR
5 ADDRESS. APPLICANTS FOR REGISTRATION OF A TRUCK, TRUCK TRACTOR,
6 TRAILER OR BUS SHALL PROVIDE THE VEHICLE'S GROSS VEHICLE WEIGHT
7 RATING (GVWR), OR THE GROSS COMBINATION WEIGHT RATING (GCWR), AS
8 APPLICABLE. IF THE MANUFACTURER'S RATINGS ARE NOT AVAILABLE, THE
9 APPLICANT SHALL PROVIDE SUFFICIENT INFORMATION AS TO THE
10 HORSEPOWER, BRAKING CAPACITY AND SUCH OTHER DATA AS NECESSARY
11 FOR THE DEPARTMENT TO DETERMINE AN EQUIVALENT MEASURE OF THE
12 VEHICLE'S HAULING AND STOPPING CAPABILITY. IF THE APPLICANT
13 WISHES TO REGISTER A VEHICLE AT A REGISTERED GROSS WEIGHT LESS
14 THAN THE GROSS VEHICLE WEIGHT RATING, THE APPLICATION SHALL
15 INCLUDE INFORMATION AS TO WEIGHT, LOAD AND ANY OTHER SUCH
16 INFORMATION AS THE DEPARTMENT MAY REQUIRE. THE APPLICATION SHALL
17 BE ACCOMPANIED BY SELF-CERTIFICATION OF FINANCIAL RESPONSIBILITY
18 AND THE APPLICABLE FEE.

19 * * *

20 (D) SELF-CERTIFICATION OF FINANCIAL RESPONSIBILITY.--IN
21 ADDITION TO THE OTHER REQUIREMENTS TO REGISTRATION, THE
22 APPLICANT SHALL FILE A SELF-CERTIFICATION OF FINANCIAL
23 RESPONSIBILITY WHICH SHALL INCLUDE:

24 (1) THE COMPLETE NAME, ADDRESS AND TELEPHONE NUMBER OF
25 THE APPLICANT. PROGRAM PARTICIPANTS IN THE ADDRESS
26 CONFIDENTIALITY PROGRAM UNDER 23 PA.C.S. CH. 67 MAY USE A
27 SUBSTITUTE ADDRESS DESIGNATED BY THE OFFICE OF VICTIM
28 ADVOCATE AS THEIR ADDRESS.

29 (2) THE NAME OF THE INSURANCE COMPANY WHICH IS INSURING
30 THE SUBJECT VEHICLE.

1 (3) THE POLICY NUMBER, EFFECTIVE DATE AND EXPIRATION
2 DATE OF THE POLICY OF INSURANCE INSURING THE VEHICLE.

3 § 1510. ISSUANCE AND CONTENT OF DRIVER'S LICENSE.

4 (A) GENERAL RULE.--THE DEPARTMENT SHALL, UPON PAYMENT OF THE
5 REQUIRED FEE, ISSUE TO EVERY QUALIFIED APPLICANT A DRIVER'S
6 LICENSE INDICATING THE TYPE OR GENERAL CLASS OF VEHICLES THE
7 LICENSEE IS AUTHORIZED TO DRIVE AND ANY ENDORSEMENTS OR
8 RESTRICTIONS, WHICH LICENSE SHALL CONTAIN A DISTINGUISHING
9 NUMBER ASSIGNED BY THE DEPARTMENT TO THE LICENSEE, THE ACTUAL
10 NAME, DATE OF BIRTH, RESIDENCE ADDRESS, A COLOR PHOTOGRAPH OR
11 PHOTOGRAPHIC FACSIMILE OF THE LICENSEE, SUCH OTHER INFORMATION
12 AS MAY BE REQUIRED BY THE DEPARTMENT, AND EITHER A FACSIMILE OF
13 THE SIGNATURE OF THE LICENSEE OR A SPACE UPON WHICH THE LICENSEE
14 SHALL WRITE HIS USUAL SIGNATURE WITH PEN AND INK. PROGRAM
15 PARTICIPANTS IN THE ADDRESS CONFIDENTIALITY PROGRAM UNDER 23
16 PA.C.S. CH. 67 (RELATING TO DOMESTIC AND SEXUAL VIOLENCE VICTIM
17 ADDRESS CONFIDENTIALITY) MAY USE A SUBSTITUTE ADDRESS DESIGNATED
18 BY THE OFFICE OF VICTIM ADVOCATE AS THEIR ADDRESS. PERSONAL
19 MEDICAL DATA AND OTHER INFORMATION FOR USE IN AN EMERGENCY MAY
20 BE INCLUDED AS A PART OF THE LICENSE. INFORMATION OTHER THAN
21 THAT REQUIRED TO IDENTIFY THE LICENSEE, THE DISTINGUISHING
22 NUMBER AND THE CLASS OF LICENSE ISSUED MAY BE INCLUDED IN
23 MICRODATA FORM. EXCEPT AS PROVIDED IN SUBSECTION (F), AN
24 APPLICANT SHALL INCLUDE HIS SOCIAL SECURITY NUMBER ON HIS
25 LICENSE APPLICATION, BUT THE SOCIAL SECURITY NUMBER SHALL NOT BE
26 INCLUDED ON THE LICENSE. NO DRIVER'S LICENSE SHALL BE VALID
27 UNTIL IT HAS BEEN SIGNED BY THE LICENSEE.

28 * * *

29 SECTION 4. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.