**South Carolina General Assembly**

124th Session, 2021-2022

**S. 223**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Shealy, McLeod, McElveen, Matthews and Adams

Document Path: l:\s-res\ks\003dome.kmm.ks.docx

Introduced in the Senate on January 12, 2021

Currently residing in the Senate Committee on **Judiciary**

Summary: Domestic violence

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 223](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 223](file:///h:\sj\20210112.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=223&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\223_20201209.docx)

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 25, TITLE 16 OF THE 1976 CODE, RELATING TO CRIMINAL DOMESTIC VIOLENCE, BY ADDING SECTION 16-25-130, TO ESTABLISH THE ADDRESS CONFIDENTIALITY PROGRAM WHEREBY A VICTIM OF DOMESTIC VIOLENCE, HUMAN TRAFFICKING, STALKING, OR SEXUAL OFFENSES MAY USE A DESIGNATED ADDRESS RATHER THAN HIS RESIDENCE ADDRESS TO CONCEAL HIS PLACE OF RESIDENCE FROM HIS ASSAILANTS OR PROBABLE ASSAILANTS, TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE PROCESS THROUGH WHICH A PERSON MAY PARTICIPATE IN THE PROGRAM, AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Section 16-25-130. (A) For the purposes of this section:

(1) ‘Address’ means the residential street address, school address, or work address of an individual, as specified on the application for a program participant under this section.

(2) ‘Address confidentiality program’ or ‘program’ means the address confidentiality program established by this section.

(3) ‘Designated address’ means the address assigned to a program participant by the Attorney General pursuant to this section.

(4) ‘Domestic violence’ means any act that is described in Section 16‑25‑20.

(5) ‘Human trafficking’ has the same meaning as provided in Section 16‑3‑2010(7).

(6) ‘Mailing address’ means an address that is recognized for delivery by the United States Postal Service.

(7) ‘Program participant’ means a person certified by the Attorney General to participate in the program.

(8) ‘Sexual offense’ means any act that is described in Section 44‑48‑30(2).

(9) ‘Stalking’ has the same meaning as provided in Section 16‑3‑1700(C).

(B) The address confidentiality program is established to protect victims of domestic violence, human trafficking, stalking, or sexual offenses by authorizing the use of designated addresses for such victims. The program is administered by the Attorney General under the following application and certification procedures:

(1) Upon the recommendation of an application assistant, an adult, parent or guardian acting on behalf of a minor, or guardian acting on behalf of an incapacitated person may apply to the Attorney General for assignation of a designated address.

(2) The Attorney General may approve an application only if it is filed with the Office of the Attorney General in the manner established and on a form prescribed by the Attorney General. A completed application must contain:

(a) the application’s preparation date, the applicant’s signature, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(b) a designation of the Attorney General as agent for the purposes of service of process and for receipt of first‑class mail;

(c) the mailing address where the applicant may be contacted by the Attorney General or his designee and the telephone number or numbers at which the applicant may be called by the Attorney General or his designee; and

(d) one or more addresses or mailing addresses that the applicant requests be concealed, if disclosure may jeopardize the applicant’s safety or increase the risk of violence to the applicant or members of the applicant’s household.

(3) Upon receipt of a properly completed application, the Attorney General may certify the applicant to be a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn or invalidated before that date. The Attorney General shall send notification of lapsing certification and a reapplication form to a program participant at least four weeks prior to the expiration of the program participant’s certification.

(4) The Attorney General shall forward first‑class mail to the appropriate program participants.

(5)(a) An applicant may not file an application knowing that it:

(i) contains false or incorrect information; or

(ii) falsely claims that disclosure of the address or mailing address listed in the application threatens the safety of the applicant, the applicant’s children, or the minor or incapacitated person on whose behalf the application is made.

(b) An application assistant may not assist or participate in the filing of an application that the application assistant knows:

(i) contains false or incorrect information; or

(ii) falsely claims that disclosure of the address or mailing address listed in the application threatens the safety of the applicant, the applicant’s children, or the minor or incapacitated person on whose behalf the application is made.

(c) A person who violates the provisions of this item commits a Class C misdemeanor enumerated in Section 16‑1‑100(C).

(C) Certification for the program may be canceled if one or more of the following conditions apply:

(1) a program participant obtains a name change, unless the program participant provides the Attorney General with documentation of a legal name change within ten business days of the name change;

(2) there is a change in a program participant’s residential street address from the address listed on the application, unless the program participant provides the Attorney General with notice of the change in such manner as the Attorney General provides; or

(3) the applicant or program participant violates subsection (B)(5)(a).

(D) Notwithstanding the provisions of subsection (E), state and local government agencies and the courts shall accept and use only the designated address as the program participant’s address upon demonstration of a program participant’s certification in the program.

(E) As the Attorney General determines appropriate, he may make a program participant’s address or mailing address available for use by granting an exemption to:

(1) a law enforcement agency, a commissioner or other chief administrator of a state or local government agency, or the commissioner’s or administrator’s designee, if:

(a) the agency has a bona fide statutory, administrative, or law enforcement need for the program participant’s address or mailing address such that the agency is unable to fulfill its statutory duties and obligations without the address or mailing address; and

(b) the program participant’s address or mailing address will be used only for those statutory, administrative, or law enforcement purposes and otherwise will be kept under seal and excluded from public inspection; or

(2) a person identified in a court order, if the Attorney General receives a court order that specifically orders the disclosure of a particular program participant’s address and mailing address and the reasons stated for the disclosure.

(F) A program participant’s application and supporting materials, and the program’s state e‑mail account, are not public record pursuant to Chapter 4, Title 30, the Freedom of Information Act, and must be kept confidential by the Attorney General.

(G) The Attorney General, his employees, application assistance agencies or organizations designated under this section, and the employees or volunteers of such agencies or organizations shall not be liable for any injury, loss, or damage resulting from any act or omission under this section, except if the injury, loss, or damage is caused by an act or omission pursuant to this section that is criminal, grossly negligent, intentional, or willful. The State asserts this immunity under Section 15‑78‑20.

(H) This section does not create, and shall not be construed to create, a new cause of action or substantive legal right against the State or an officer or employee thereof.”

SECTION 2. Section 16-1-100(C) of the 1976 Code is amended by adding at the end:

“16-25-130 Knowingly falsifying an application to the address confidentiality program”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑