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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1677

March 12, 2009

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The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to the safe at home program; specifying applicability; eliminating certain
1.3 persons from eligibility; providing a remedy for violation or refusal to recognize
1.4 a designated address; prohibiting public release of certain court records;
1.5 amending Minnesota Statutes 2008, sections 5B.01; 5B.02; 5B.07, by adding a
1.6 subdivision; proposing coding for new law in Minnesota Statutes, chapter 5B.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 5B.01, is amended to read:

1.9 **5B.01 FINDINGS; PURPOSE; APPLICABILITY.**

1.10 (a) The legislature finds that individuals attempting to escape from actual or
1.11 threatened domestic violence, sexual assault, or stalking frequently establish new
1.12 addresses in order to prevent their assailants or probable assailants from finding them.
1.13 The purpose of this chapter is to enable state and local agencies to respond to requests
1.14 for data without disclosing the location of a victim of domestic violence, sexual assault,
1.15 or stalking; to enable interagency cooperation with the secretary of state in providing
1.16 address confidentiality for victims of domestic violence, sexual assault, or stalking; and
1.17 to enable program participants to use an address designated by the secretary of state as a
1.18 substitute mailing address for all purposes.

1.19 (b) This chapter and any associated rules shall supercede an ordinance, charter
1.20 provision, rule, or other law to the extent the provisions conflict or require release or
1.21 display of a program participant's name at an address otherwise protected under this
1.22 chapter.

1.23 Sec. 2. Minnesota Statutes 2008, section 5B.02, is amended to read:

1.24 **5B.02 DEFINITIONS.**

2.1 (a) For purposes of this chapter and unless the context clearly requires otherwise, the
2.2 definitions in this section have the meanings given them.

2.3 (b) "Address" means a residential street address, school address, or work address
2.4 of an individual, as specified on the individual's application to be a program participant
2.5 under this chapter.

2.6 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
2.7 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
2.8 524.5-102.

2.9 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision
2.10 2, paragraph (a), and includes a threat of such acts committed against an individual in a
2.11 domestic situation, regardless of whether these acts or threats have been reported to law
2.12 enforcement officers.

2.13 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined
2.14 in section 524.5-102 for whom there is good reason to believe (i) that the eligible person is
2.15 a victim of domestic violence, sexual assault, or stalking, or (ii) that the eligible person
2.16 fears for his or her safety or the safety of persons on whose behalf the application is made.
2.17 A person registered or required to register as a predatory offender under section 243.166
2.18 or 243.167, or the law of another jurisdiction, is not an eligible person.

2.19 (f) "Mail" means first class letters and flats delivered via the United States Postal
2.20 Service, including priority, express, and certified mail, and excluding packages, parcels,
2.21 periodicals, and catalogues, unless they are clearly identifiable as pharmaceuticals or
2.22 clearly indicate that they are sent by a government agency.

2.23 (g) "Program participant" means an individual certified as a program participant
2.24 under section 5B.03.

2.25 (h) "Stalking" means acts criminalized under section 609.749 and includes a threat
2.26 of such acts committed against an individual, regardless of whether these acts or threats
2.27 have been reported to law enforcement officers.

2.28 Sec. 3. Minnesota Statutes 2008, section 5B.07, is amended by adding a subdivision to
2.29 read:

2.30 Subd. 3. **Court records.** Any public document related to a court action or
2.31 proceeding in which a program participant is a party or witness, including a proceeding
2.32 under section 5B.10, that indicates the program participant's address may only indicate the
2.33 address designated by the secretary of state. To the extent documentation of a program
2.34 participant's residential address is required for an action to proceed, the address may only

3.1 be made available to the court itself, and contained in documents that are not available to
3.2 the public, unless otherwise released by court order.

3.3 Sec. 4. **[5B.10] RELEASE OF ADDRESS; ACTION FOR DAMAGES.**

3.4 Subdivision 1. **Action for damages.** Any person that willfully discloses information
3.5 protected by this chapter is liable to the program participant, or a legal representative of
3.6 the program participant, for any damage suffered as a result of the violation. The program
3.7 participant, or legal representative of the program participant, is entitled to recover
3.8 exemplary damages of not less than \$1,000, nor more than \$15,000 for each violation,
3.9 plus actual damages sustained, costs, disbursements, and reasonable attorney fees.

3.10 Subd. 2. **Injunctive relief.** The district court may enjoin any person that violates or
3.11 proposes to violate a provision of this chapter. The court may make any order or judgment
3.12 as may be necessary to prevent the use or employment by any person of a practice which
3.13 violates this chapter.

3.14 Subd. 3. **Venue.** An action filed pursuant to this section may be filed in Ramsey
3.15 County, or the county in which either the program participant or defendant resides.

3.16 Subd. 4. **Data practices remedy.** Nothing in this section shall preclude or limit an
3.17 action against a government entity under section 13.08 or 13.09.

3.18 Sec. 5. **EFFECTIVE DATE; APPLICABILITY.**

3.19 Sections 1 to 4 are effective the day following final enactment. Section 3 applies to
3.20 any actions pending or commenced on or after the date that section becomes effective.