

As Reported by the House General Government Committee

136th General Assembly

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H. B. No. 396

Representative Willis

Cosponsor: Representative Bird

To amend sections 111.41, 111.42, and 111.99 of the Revised Code to expand the Address Confidentiality Program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 111.41, 111.42, and 111.99 of the Revised Code be amended to read as follows:

Sec. 111.41. As used in sections 111.41 to 111.99 of the Revised Code:

(A) "Application assistant" means an employee or volunteer at an agency or organization that serves victims or household members of victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, ~~or~~ sexual battery, crimes that cause serious physical harm or death, or crimes in which the victim is threatened with a deadly weapon who has received training and certification from the secretary of state to help individuals complete applications to be program participants.

(B) "Confidential address" means the address of a program participant's residence, school, institution of higher education, business, or place of employment, as specified on an

application to be a program participant or on a notice of change 20
of address filed under section 111.42 of the Revised Code. A 21
confidential address is not a public record under section 149.43 22
of the Revised Code, and shall be kept confidential. 23

(C) "Governmental entity" means the state, a political 24
subdivision of the state, or any department, agency, board, 25
commission, or other instrumentality of the state or a political 26
subdivision of the state. 27

(D) "Guardian," "incompetent," "parent," and "ward" have 28
the same meanings as in section 2111.01 of the Revised Code. 29

(E) "Human trafficking" has the same meaning as in section 30
2929.01 of the Revised Code. 31

(F) "Process" means judicial process and all orders, 32
demands, notices, or other papers required or permitted by law 33
to be served on a program participant. 34

(G) "Program participant" means a person who is certified 35
by the secretary of state as a program participant under section 36
111.42 of the Revised Code. 37

(H) "Tier I sex offender/child-victim offender," "tier II 38
sex offender/child-victim offender," and "tier III sex 39
offender/child-victim offender" have the same meanings as in 40
section 2950.01 of the Revised Code. 41

Sec. 111.42. (A) A person to whom all of the following 42
applies may apply to the secretary of state with the assistance 43
of an application assistant to become a participant in the 44
address confidentiality program, in which an address designated 45
by the secretary of state serves as the person's address or the 46
address of the minor, incompetent, or ward on whose behalf the 47
person is applying: 48

(1) The applicant is an adult who is applying on behalf of 49
the person's self or is a parent or guardian applying on behalf 50
of a minor, incompetent, or ward. 51

(2) The applicant or the minor, incompetent, or ward, as 52
applicable, resides, works, or attends a school or an 53
institution of higher education in this state. 54

(3) The applicant fears for the safety of the applicant, a 55
member of the applicant's household, or the minor, incompetent, 56
or ward on whose behalf the application is made because the 57
applicant, household member, minor, incompetent, or ward is a 58
victim of domestic violence, menacing by stalking, human 59
trafficking, trafficking in persons, rape, ~~or~~ sexual battery, a 60
crime that caused serious physical harm or death to the victim, 61
or a crime in which the victim was threatened with a deadly 62
weapon. 63

(4) The applicant or the minor, incompetent, or ward, as 64
applicable, is not a tier I sex offender/child-victim offender, 65
a tier II sex offender/child-victim offender, or a tier III sex 66
offender/child-victim offender. 67

(B) An application to become a participant in the address 68
confidentiality program shall be made on a form prescribed by 69
the secretary of state and filed in the office of the secretary 70
of state in the manner prescribed by the secretary of state. The 71
application shall contain all of the following: 72

(1) A notarized statement by the applicant that the 73
applicant fears for the safety of the applicant, a member of the 74
applicant's household, or the minor, incompetent, or ward on 75
whose behalf the application is made because the applicant, 76
household member, minor, incompetent, or ward is a victim of 77

domestic violence, menacing by stalking, human trafficking, 78
trafficking in persons, rape, ~~or~~ sexual battery, a crime that 79
caused serious physical harm or death to the victim, or a crime 80
in which the victim was threatened with a deadly weapon; 81

(2) A statement that the application assistant recommends 82
that the applicant or the minor, incompetent, or ward, as 83
applicable, participate in the address confidentiality program; 84

(3) A knowing and voluntary designation of the secretary 85
of state as the agent for the purposes of receiving service of 86
process and the receipt of mail; 87

(4) The mailing address and telephone number or numbers at 88
which the secretary of state may contact the applicant; 89

(5) The address or addresses of the applicant's residence, 90
school, institution of higher education, business, or place of 91
employment that the applicant requests not be disclosed for the 92
reason that disclosure will increase the risk that the 93
applicant, a member of the applicant's household, or the minor, 94
incompetent, or ward on whose behalf the application is made 95
will be threatened or physically harmed by another person; 96

(6) The signature of the applicant, the name and signature 97
of the application assistant who assisted the applicant, and the 98
date on which the applicant and the application assistant signed 99
the application; 100

(7) Except for a claim based on the performance or 101
nonperformance of a public duty that was manifestly outside the 102
scope of the officer's or employee's office or employment or in 103
which the officer or employee acted with malicious purpose, in 104
bad faith, or in a wanton or reckless manner, a voluntary 105
release and waiver of all future claims against the state for 106

any claim that may arise from participation in the address confidentiality program. 107
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(C) Upon receiving a properly completed application under division (B) of this section, the secretary of state shall, within ten business days, do all of the following: 109
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(1) Certify the applicant or the minor, incompetent, or ward on whose behalf the application is filed as a program participant; 112
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(2) Designate each eligible address listed in the application as a confidential address; 115
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(3) Issue the program participant a unique program participant identification number; 117
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(4) Issue the program participant an address confidentiality program authorization card, which shall be valid during the period that the program participant remains certified to participate in the address confidentiality program, and which shall include the address at which the program participant may receive mail through the office of the secretary of state; 119
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(5) Provide information to the program participant concerning all of the following: 125
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(a) The manner in which the program participant may use the secretary of state as the program participant's agent for the purposes of receiving mail and receiving service of process and the types of mail that the secretary of state will forward to the program participant; 127
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(b) The process to register to vote and to vote as a program participant, if the program participant is eligible to vote; 132
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(c) The process to file a real property confidentiality notice with the county recorder concerning any real property in which the program participant acquires an ownership interest after being certified a program participant and after ~~the~~ effective date of this amendment April 29, 2022;

(d) The process to authorize the secretary of state to disclose confidential information concerning the program participant under certain circumstances, as described in division (E) of section 111.43 of the Revised Code.

(D) A program participant shall update the person's application information, within thirty days after any change has occurred, by submitting a notice of change to the office of the secretary of state on a form prescribed by the secretary of state. The secretary of state may, with proper notice, cancel a program participant's certification if the participant is found to be unreachable for a period of sixty days or more.

(E) The certification of a program participant shall be valid for four years after the date of the filing of the application for the program participant unless the certification is withdrawn or invalidated before the end of that four-year period.

(F) (1) A program participant who continues to be eligible to participate in the address confidentiality program may renew the program participant's certification by submitting a renewal application to the secretary of state with the assistance of an application assistant. The renewal application shall be on a form prescribed by the secretary of state and shall contain all of the information described in division (B) of this section.

(2) The secretary of state may prescribe by rule a grace

period during which a program participant whose certification 164
has expired may renew the program participant's certification 165
without being considered to have ceased being a program 166
participant during that period. 167

(3) When a program participant renews the program 168
participant's certification, the program participant shall 169
continue to use the program participant's original program 170
participant identification number. 171

(G) A tier I sex offender/child-victim offender, a tier II 172
sex offender/child-victim offender, or a tier III sex 173
offender/child-victim offender is not eligible to participate in 174
the address confidentiality program described in sections 111.41 175
to 111.99 of the Revised Code. 176

Sec. 111.99. (A) No person who submits an application 177
under section 111.42 of the Revised Code shall knowingly make a 178
false attestation in the application that the applicant fears 179
for the applicant's safety, the safety of a member of the 180
applicant's household, or the safety of the minor, incompetent, 181
or ward on whose behalf the application is made because the 182
applicant, household member, minor, incompetent, or ward is a 183
victim of domestic violence, menacing by stalking, human 184
trafficking, trafficking in persons, rape, ~~or~~ sexual battery, a 185
crime that caused serious physical harm or death to the victim, 186
or a crime in which the victim was threatened with a deadly 187
weapon. 188

(B) (1) As used in division (B) of this section: 189

(a) "Public official" means any officer, employee, or duly 190
authorized representative or agent of a public office. 191

(b) "Public office" means any state agency, public 192

institution, political subdivision, other organized body, 193
office, agency, institution, or entity established by the laws 194
of this state for the exercise of any function of government. 195

(2) No public official who has access to a confidential 196
address or telephone number or to information that is subject to 197
a real property confidentiality notice under section 111.431 of 198
the Revised Code because of the person's status as a public 199
official shall knowingly disclose that confidential information 200
to any person, except as required or permitted by law. 201

(C) No person who obtains a confidential address or 202
telephone number from the Ohio law enforcement gateway shall 203
knowingly disclose that confidential address or telephone number 204
to any person, except as is necessary for a law enforcement 205
purpose when related to the performance of official duties, or 206
for another legitimate governmental purpose. 207

(D) No person who obtains a confidential address or 208
telephone number from the secretary of state under division (E) 209
of section 111.43 of the Revised Code shall knowingly disclose 210
that information to any person, except for the purpose for which 211
the disclosure was authorized under that division. 212

(E) No person who obtains information that is subject to a 213
real property confidentiality notice under section 111.431 of 214
the Revised Code for the purpose of conducting a title 215
examination under division (E) of that section shall knowingly 216
disclose that confidential information to any person, except for 217
the purpose identified in the application submitted under that 218
division. 219

(F) Whoever violates this section is guilty of a 220
misdemeanor of the first degree. 221

Section 2. That existing sections 111.41, 111.42, and	222
111.99 of the Revised Code are hereby repealed.	223