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## SENATE BILL NO. 1092

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on January 29, 2025)

(Patron Prior to Substitute—Senator Jordan)

*A BILL to amend and reenact § 2.2-515.2 of the Code of Virginia, relating to Department of Law; Address Confidentiality Program; removal of Program participant; penalty.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-515.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-515.2. Address Confidentiality Program established; victims of domestic violence, stalking, child abduction, human trafficking, or sexual violence; application; disclosure of records; penalty.**

A. As used in this section:

"Address" means a residential street address, school address, or work address of a person as specified on the person's application to be a ~~program~~ Program participant.

"Agency" means each component part of the legislative, executive, or judicial branches of state and local government, including each office, department, authority, post, commission, or committee and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Applicant" means a person who is a victim of ~~domestic violence, stalking, child abduction, or sexual violence~~ a covered offense or is a parent or guardian of a minor child or incapacitated person who is the victim of ~~domestic violence, stalking, child abduction, or sexual violence~~ a covered offense or is a covered employee.

"Child abduction" means conduct that is prohibited under § 18.2-47, 18.2-48, 18.2-48.1, or 18.2-49 when such prohibited conduct is committed against a minor.

"Covered employee" means an individual, including a volunteer, who provides services at an organization whose primary purpose is serving victims of a covered offense.

"Covered offense" means domestic violence, stalking, child abduction, human trafficking, or sexual violence.

"Domestic violence" means an act as defined in § 38.2-508 and includes threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law-enforcement officers. Such threat must be a threat of force which would place any person in reasonable apprehension of death or bodily injury.

"Human trafficking" means conduct that is prohibited under § 18.2-47, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-356.1, 18.2-357, or 18.2-357.1, regardless of whether the conduct has been reported to a law-enforcement officer or the assailant has been charged with or convicted of the alleged violation.

"Program" means the Address Confidentiality Program established in this section.

"Program participant" means a person certified by the Office of the Attorney General as eligible to participate in the Address Confidentiality Program.

"Sexual or domestic violence programs" means public and not-for-profit agencies the primary mission of which is to provide services to victims of sexual or domestic violence, or stalking. Such programs may also include specialized services for victims of human trafficking.

"Sexual violence" means conduct that is prohibited under clause (ii), (iii), (iv), or (v) of § 18.2-48, or § 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.5, ~~18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1~~ 18.2-361, or 18.2-368, regardless of whether the conduct has been reported to a law-enforcement officer or the assailant has been charged with or convicted of the alleged violation.

"Stalking" means conduct that is prohibited under § 18.2-60.3, regardless of whether the conduct has been reported to a law-enforcement officer or the assailant has been charged with or convicted for the alleged violation.

B. The Statewide Facilitator for Victims of Domestic Violence shall establish a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence, stalking, child abduction, human trafficking, or sexual violence by authorizing the use of designated addresses for such victims or covered employees. ~~An~~ To apply for the Program pursuant to this subsection, an individual who is at least 18 years of age, a parent or guardian acting on behalf of a minor, a guardian acting on behalf of an incapacitated person, or an emancipated minor ~~may~~ shall apply in person at (i) sexual or domestic violence programs that have been accredited by the Virginia Sexual and Domestic Violence Program Professional Standards Committee established pursuant to § 9.1-116.3 and are qualified to (a) assist the eligible person in determining whether the ~~address confidentiality program~~ Program should be part of such person's overall

60 safety plan, (b) explain the ~~address confidentiality program~~ *Program* services and limitations, (c) explain the  
61 ~~program~~ *Program* participant's responsibilities, and (d) assist the person eligible for participation with the  
62 completion of application materials or (ii) crime victim and witness assistance programs. *A covered employee*  
63 *may apply directly with the Office of the Attorney General.* The Office of the Attorney General shall approve  
64 an application if it is filed in the manner and on the form prescribed by the Attorney General and if the  
65 application contains the following:

66 1. A sworn statement by the applicant declaring to be true and correct under penalty of perjury that the  
67 applicant has good reason to believe that:

68 a. The applicant, or the minor or incapacitated individual on whose behalf the application is made, is a  
69 victim of domestic violence, stalking, child abduction, *human trafficking*, or sexual violence;

70 b. The applicant fears further acts of violence, stalking, retribution, or intimidation from the applicant's  
71 assailant, abuser, or trafficker; ~~and~~

72 c. The applicant is not on active parole or probation supervision requirements under federal, state, or local  
73 law; ~~and~~

74 d. *The applicant is not currently on bond with requirements to report physical address to the courts;*

75 2. A designation of the Office of the Attorney General as agent for the purpose of receiving mail on behalf  
76 of the applicant;

77 3. The applicant's actual address to which mail can be forwarded and a telephone number where the  
78 applicant can be called;

79 4. A listing of any minor children residing at the applicant's actual address, each minor child's date of  
80 birth, and each minor child's relationship to the applicant; and

81 5. The signature of the applicant and any person who assisted in the preparation of the application and the  
82 date.

83 C. Upon approval of a completed application, the Office of the Attorney General shall certify the  
84 applicant as a ~~program~~ *Program* participant. An applicant shall be certified for three years following the date  
85 of the approval, unless the certification is withdrawn or invalidated before that date. A ~~program~~ *Program*  
86 participant may apply to be recertified every three years.

87 D. Upon receipt of first-class mail addressed to a ~~program~~ *Program* participant, the Attorney General or  
88 his designee shall forward the mail to the actual address of the ~~program~~ *Program* participant. The actual  
89 address of a ~~program~~ *Program* participant shall be available only to the Attorney General, to those employees  
90 involved in the operation of the ~~Address Confidentiality~~ *Program*, and to law-enforcement officers. A  
91 ~~program~~ *Program* participant's actual address may be entered into the Virginia Criminal Information Network  
92 (VCIN) system so that it may be made known to law-enforcement officers accessing the VCIN system for  
93 law-enforcement purposes.

94 E. The Office of the Attorney General may cancel a ~~program~~ *Program* participant's certification if:

95 1. The ~~program~~ *Program* participant requests withdrawal from the ~~program~~ *Program*;

96 2. The ~~program~~ *Program* participant obtains a name change through an order of the court and does not  
97 provide notice and a copy of the order to the Office of the Attorney General within seven days after entry of  
98 the order;

99 3. The ~~program~~ *Program* participant changes his residence address and does not provide seven days'  
100 notice to the Office of the Attorney General prior to the change of address;

101 4. The mail forwarded by the Office of the Attorney General to the address provided by the ~~program~~  
102 *Program* participant is returned as undeliverable;

103 5. Any information contained in the application is false;

104 6. The ~~program~~ *Program* participant has been placed on parole or probation while a participant in the  
105 ~~address confidentiality program~~ *Program*; ~~or~~

106 7. The applicant is required to register with the Sex Offender and Crimes Against Minors Registry  
107 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1; ~~or~~

108 8. *The Program participant for whom the application was filed has reached the age of 18, is not*  
109 *incapacitated, and has not submitted recertification for participation in the Program within 60 days of his*  
110 *eighteenth birthday.*

111 For purposes of the ~~address confidentiality program~~ *Program*, residents of temporary housing for 30 days  
112 or less are not eligible to enroll in the ~~address confidentiality program~~ *Program* until a permanent residential  
113 address is obtained.

114 The application form shall contain a statement notifying each applicant of the provisions of this  
115 subsection.

116 F. A ~~program~~ *Program* participant may request that any state or local agency use the address designated  
117 by the Office of the Attorney General as the ~~program~~ *Program* participant's address, except when the  
118 ~~program~~ *Program* participant is purchasing a firearm from a dealer in firearms. The agency shall accept the  
119 address designated by the Office of the Attorney General as a ~~program~~ *Program* participant's address, unless  
120 the agency has received a written exemption from the Office of the Attorney General demonstrating to the

satisfaction of the Attorney General that:

1. The agency has a bona fide statutory basis for requiring the ~~program~~ Program participant to disclose to it the actual location of the ~~program~~ Program participant; and

2. The disclosed confidential address of the ~~program~~ Program participant will be used only for that statutory purpose and will not be disclosed or made available in any way to any other person or agency.

A state agency may request an exemption by providing in writing to the Office of the Attorney General identification of the statute or administrative rule that demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual. A request for a waiver from an agency may be for an individual ~~program~~ Program participant, a class of ~~program~~ Program participants, or all ~~program~~ Program participants. The denial of an agency's exemption request shall be in writing and include a statement of the specific reasons for the denial. Acceptance or denial of an agency's exemption request shall constitute final agency action.

Any state or local agency that discloses the ~~program~~ Program participant's confidential address provided by the Office of the Attorney General shall be immune from civil liability unless the agency acted with gross negligence or willful misconduct.

A ~~program~~ Program participant's actual address shall be disclosed pursuant to a court order.

G. Records submitted to or provided by the Office of the Attorney General in accordance with this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to the extent such records contain information identifying a past or current ~~program~~ Program participant, including such person's name, actual and designated address, telephone number, and any email address. However, access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of a ~~program~~ Program participant in cases where the ~~program~~ Program participant is a minor child or an incapacitated person, except when the parent or legal guardian is named as the ~~program~~ Program participant's assailant.

H. Neither the Office of the Attorney General, its officers or employees, or others who have a responsibility to a ~~program~~ Program participant under this section shall have any liability nor shall any cause of action arise against them in their official or personal capacity from the failure of a ~~program~~ Program participant to receive any ~~first class~~ first-class mail forwarded to him by the Office of the Attorney General pursuant to this section. Nor shall any such liability or cause of action arise from the failure of a ~~program~~ Program participant to timely receive any ~~first class~~ first-class mail forwarded by the Office of the Attorney General pursuant to this section.

*I. Any individual who knowingly discloses or publishes a Program participant's confidential address, telephone number, or the name and date of birth of any of a Program participant's minor children with intent to coerce, intimidate, or harass the Program participant or any other person is guilty of a Class 1 misdemeanor.*