

Missouri Revised Statutes
Chapter 589
Crime Prevention and Control Programs and Services
Sections 589.660 through 589.683
August 28, 2017

Definitions.

589.660. As used in sections 589.660 to 589.681, the following terms mean:

(1) "Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;

(2) "Application assistant", an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, human trafficking, or stalking, who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;

(3) "Designated address", the address assigned to a program participant by the secretary;

(4) "Mailing address", an address that is recognized for delivery by the United States Postal Service;

(5) "Program", the address confidentiality program established in section 589.663;

(6) "Program participant", a person certified by the secretary of state as eligible to participate in the address confidentiality program;

(7) "Secretary", the secretary of state.

Program created, purpose, procedures

589.663. There is created in the office of the secretary of state a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence, rape, sexual assault, human trafficking, or stalking by authorizing the use of designated addresses for such victims and their minor children. The program shall be administered by the secretary under the following application and certification procedures:

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person;

(2) The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application shall contain:

(a) The application 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 secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents, and certified mail;

(c) A sworn statement by the applicant that the applicant has good reason to believe that he or she:

a. Is a victim of domestic violence, rape, sexual assault, human trafficking, or stalking; and

b. Fears further violent acts from his or her assailant;

(d) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and

(e) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will 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 secretary may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn or cancelled before that date. The secretary 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 secretary shall forward first class mail, legal documents, and certified mail to the appropriate program participants.

Disclosure of address, when — notice — limitation on dissemination.

589.664. 1. If an individual is a participant in the address confidentiality program under section 589.663, no person or entity shall be compelled to disclose the participant's actual address during the discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal first finds, on the record, that:

(1) There is a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed; and

(2) There is no other practicable way of obtaining the information or evidence.

2. The court shall first provide the program participant and the secretary of state notice that address disclosure is sought.

3. The program participant shall have an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed. In determining whether to compel disclosure, the court shall consider whether the potential harm to the safety of the participant is outweighed by the interest in disclosure.

4. Notwithstanding any other provision of law to the contrary, no court shall order an individual who has had his or her application to the program accepted by the secretary to disclose his or her actual address or the location of his or her residence without giving the secretary proper notice. The secretary shall have the right to intervene in any civil proceeding in which a court is considering ordering a participant to disclose his or her actual address.

5. Disclosure of a participant's actual address under this section shall be limited under the terms of the order to ensure that the disclosure and dissemination of the actual address will be no greater than necessary for the purposes of the investigation, prosecution, or litigation.

6. Nothing in this section shall be construed to prevent the court or any other tribunal from issuing a protective order to prevent the disclosure of information other than the participant's actual address that could reasonably lead to the discovery of the program participant's location.

Cancellation of certification, when.

589.666. Certification of a program participant may be cancelled by the secretary if one or more of the following conditions apply:

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

(2) If there is a change in the mailing address from the person listed on the application, unless the program participant provides the secretary with notice of the change in such manner as the secretary provides by rule; or

(3) The applicant or program participant violates subdivision (2)* of section 589.663.

Address accepted as participant's address, when.

589.669. Upon demonstration of a program participant's certification in the program, state and local agencies and the courts shall accept the designated address as a program participant's address when creating a new public record unless the secretary has determined that:

(1) The agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that it is unable to fulfill its statutory duties and obligations without the address; and

(2) The program participant's address or mailing address shall be used only for those statutory and administrative purposes.

Availability of participant addresses.

589.672. If the secretary deems it appropriate, the secretary may make a program participant's address or mailing address available for inspection or copying, under the following circumstances:

(1) If requested of the secretary by a law enforcement agency in the manner provided for by rule; or

(2) Upon request to the secretary by a director of a state agency or the director's designee in the manner provided for by rule and upon a showing of a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that the director or the director's designee is unable to fulfill statutory duties and obligations without the address or mailing address.

Inspection and copying of addresses, when.

589.675 If the secretary deems is appropriate, the secretary may make a program participant's address and mailing address available for inspection or copying to a person identified in a court order, upon the secretary's receipt of such court order that complies with section 589.664.

Application not a public record.

589.678. A program participant's application and supporting materials are not a public record and shall be kept confidential by the secretary.

Rulemaking authority.

589.681. The secretary shall promulgate rules to establish and administer the address confidentiality program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 589.660 to 589.681 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

Inapplicability of Missouri sunset act.

589.683. Section 23.253 of the Missouri sunset act shall not apply to any program established pursuant to sections 589.660 to 589.681.