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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5013

03/18/2024 Authored by Frederick
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to elections; modifying certain Safe At Home provisions; amending
1.3 Minnesota Statutes 2022, sections 5B.02; 5B.03, subdivision 3; 5B.04; 5B.05;
1.4 13.045, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2022, section 5B.02, is amended to read:

1.7 5B.02 DEFINITIONS.

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

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

1.13 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
1.14 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
1.15 524.5-102.

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

1.20 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in
1.21 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a
1.22 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible

2.1 person fears for the person's safety, the safety of another person who resides in the same
 2.2 household, or the safety of persons on whose behalf the application is made. In order to be
 2.3 an eligible person, an individual must reside in Minnesota in order to be an eligible person
 2.4 or must certify that the individual intends to reside in Minnesota within 60 days. A person
 2.5 registered or required to register as a predatory offender under section 243.166 or 243.167,
 2.6 or the law of another jurisdiction, is not an eligible person.

2.7 (f) "Mail" means first class letters and flats delivered via the United States Postal Service,
 2.8 including priority, express, and certified mail, and excluding (1) periodicals and catalogues,
 2.9 and (2) packages and parcels unless they are clearly identifiable as nonrefrigerated
 2.10 pharmaceuticals or clearly indicate that they are sent by the federal government or a state
 2.11 or county government agency of the continental United States, Hawaii, District of Columbia,
 2.12 or United States territories.

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

2.15 (h) "Harassment" or "stalking" means acts criminalized under section 609.749 and
 2.16 includes a threat of such acts committed against an individual, regardless of whether these
 2.17 acts or threats have been reported to law enforcement officers.

2.18 Sec. 2. Minnesota Statutes 2022, section 5B.03, subdivision 3, is amended to read:

2.19 Subd. 3. **Certification.** (a) Upon filing a completed application, the secretary of state
 2.20 shall certify the eligible person as a program participant. Unless the program participant is
 2.21 not a Minnesota resident, program participants shall must be certified for four years following
 2.22 the date of filing unless the certification is canceled, withdrawn or invalidated before that
 2.23 date. Applicants from outside of Minnesota must be certified for 60 days. Upon receiving
 2.24 notice that the participant has moved to Minnesota, the participant must be certified for four
 2.25 years following the date of filing unless the certification is canceled, withdrawn, or
 2.26 invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

2.27 (b) Certification under this subdivision is for the purpose of participation in the
 2.28 confidentiality program established under this chapter only. Certification must not be used
 2.29 as evidence or be considered for any purpose in any civil, criminal, or administrative
 2.30 proceeding related to the behavior or actions giving rise to the application under subdivision
 2.31 1.

3.1 Sec. 3. Minnesota Statutes 2022, section 5B.04, is amended to read:

3.2 **5B.04 CERTIFICATION CANCELLATION.**

3.3 (a) If the program participant obtains a legal change of identity, the participant loses
3.4 certification as a program participant.

3.5 (b) The secretary of state may cancel a program participant's certification if there is a
3.6 change in the program participant's legal name or contact information, unless the program
3.7 participant or the person who signed as the applicant on behalf of an eligible person provides
3.8 the secretary of state with prior notice in writing of the change.

3.9 (c) The secretary of state may cancel certification of a program participant if mail
3.10 forwarded by the secretary to the program participant's address is returned as nondeliverable.

3.11 (d) The secretary of state may cancel a program participant's certification if the program
3.12 participant is no longer an eligible person.

3.13 (e) The secretary of state shall cancel certification of a program participant who applies
3.14 using false information.

3.15 (f) The secretary of state shall cancel certification of a program participant who does
3.16 not reside in Minnesota within 60 days of Safe at Home certification.

3.17 Sec. 4. Minnesota Statutes 2022, section 5B.05, is amended to read:

3.18 **5B.05 USE OF DESIGNATED ADDRESS.**

3.19 (a) When a program participant presents the address designated by the secretary of state
3.20 to any person or entity, that address must be accepted as the address of the program
3.21 participant. The person ~~may~~ or entity must not require the program participant to submit
3.22 any address that could be used to physically locate the participant either as a substitute or
3.23 in addition to the designated address, or as a condition of receiving a service or benefit,
3.24 unless the service or benefit would be impossible to provide without knowledge of the
3.25 program participant's physical location. Notwithstanding a person's or entity's knowledge
3.26 of a program participant's physical location, the person or entity must use the program
3.27 participant's designated address for all mail correspondence with the program participant,
3.28 unless the participant owns real property through a limited liability company or trust. A
3.29 person or entity may only mail to an alternative address if the participant owns real property
3.30 through a trust or a limited liability company and the participant has requested that the
3.31 person or entity mail correspondence regarding that ownership to an alternate address.

4.1 (b) A program participant may use the address designated by the secretary of state as
4.2 the program participant's work address.

4.3 (c) The Office of the Secretary of State shall forward all mail sent to the designated
4.4 address to the proper program participants.

4.5 (d) If a program participant has notified a person or entity in writing, on a form prescribed
4.6 by the program, that the individual is a program participant and of the requirements of this
4.7 section, the person or entity must not knowingly disclose the participant's name or address
4.8 identified by the participant on the notice. If identified on the notice, the ~~individual~~ person
4.9 or entity receiving the notice must not knowingly disclose the program participant's name,
4.10 home address, work address, or school address, unless the person to whom the address is
4.11 disclosed also lives, works, or goes to school at the address disclosed, or the participant has
4.12 provided written consent to disclosure of the participant's name, home address, work address,
4.13 or school address for the purpose for which the disclosure will be made. This paragraph
4.14 applies to the actions and reports of guardians ad litem, except that guardians ad litem may
4.15 disclose the program participant's name. This paragraph does not apply to records of the
4.16 judicial branch governed by rules adopted by the supreme court or government entities
4.17 governed by section 13.045.

4.18 Sec. 5. Minnesota Statutes 2022, section 13.045, subdivision 3, is amended to read:

4.19 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
4.20 **and dissemination.** (a) Identity and location data for which a program participant seeks
4.21 protection under subdivision 2, paragraph (a), that are not otherwise classified by law as
4.22 not public are private data on individuals.

4.23 (b) Notwithstanding any provision of law to the contrary, private or confidential location
4.24 data on a program participant who submits a notice under subdivision 3, paragraph (a), may
4.25 not be shared with any other government entity or nongovernmental entity unless:

4.26 (1) the program participant has expressly consented in writing to sharing or dissemination
4.27 of the data for the purpose for which the sharing or dissemination will occur;

4.28 (2) the data are subject to sharing or dissemination pursuant to court order under section
4.29 13.03, subdivision 6;

4.30 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

4.31 (4) the location data related to county of residence are needed to provide public assistance
4.32 or other government services, or to allocate financial responsibility for the assistance or
4.33 services;

5.1 (5) the data are necessary to perform a government entity's health, safety, or welfare
5.2 functions, including the provision of emergency 911 services, the assessment and
5.3 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection
5.4 of services or locations for compliance with health, safety, or professional standards; or

5.5 (6) the data are necessary to aid an active law enforcement investigation of the program
5.6 participant.

5.7 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the
5.8 purposes authorized in this subdivision and may not be further disclosed to any other person
5.9 or government entity. Government entities receiving or sharing private or confidential data
5.10 under this subdivision shall establish procedures to protect the data from further disclosure.

5.11 (d) Real property record data are governed by subdivision 4a.

5.12 (e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records
5.13 to replace a participant's location data with the participant's designated address.