

**14.304 Individuals who may apply for designated mailing address -- Application -- Certification -- Renewal -- Addresses exempt from disclosure -- Notification of enrollment in program -- Verification card -- Similar programs outside the Commonwealth -- Administrative regulations.**

- (1) Upon the creation of the Safe at Home Program, the following individuals may apply to the Secretary of State to have an address designated as his or her mailing address in place of his or her residential address:
  - (a) An adult victim;
  - (b) A parent or guardian acting on behalf of a minor when the minor resides with him or her;
  - (c) A guardian acting on behalf of an incapacitated individual who is a victim of a specified offense; and
  - (d) Any individuals residing with the victim.
- (2) The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains:
  - (a) A sworn statement, under penalty of perjury, by the applicant that:
    1. The applicant is a victim of a specified offense or resides in the same household as a victim of a specified offense;
    2. The applicant fears for his or her own safety or the safety of another person who resides in the same household; and
    3. The applicant is not applying for certification as a program participant in order to avoid prosecution for a crime;
  - (b) The mailing address and the phone number or numbers where the applicant can be contacted by the Secretary of State or the Secretary of State's designee;
  - (c) The new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of a specified offense, jeopardize the applicant's safety, or increase the risk of violence to the applicant or members of the applicant's household;
  - (d) The date the application was prepared, the applicant's signature, and, if applicable, the signature of the application assistant who assisted the applicant in applying to be a program participant; and
  - (e) A designation of the Secretary of State as agent for purposes of service of process and for receipt of first class mail, legal documents, and certified mail.
- (3) Applications shall be filed with the Office of the Secretary of State. Applicants may choose to consult with an application assistant for assistance with the application process or apply online directly through the portal designated by the Secretary of State.
- (4) Upon the filing of a properly completed application, the Secretary of State shall certify the applicant as a program participant if the applicant is not required to register as a sex offender or is not otherwise prohibited from participating in the program.
- (5) Applicants shall be certified for four (4) years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State

shall send notification of an expiring certification and a renewal form to a program participant at least four (4) weeks prior to the expiration of the program participant's certification. The renewal need only be signed by the applicant and need not be made before an application assistant. The Secretary of State shall promulgate an administrative regulation to establish a renewal procedure.

- (6) A person who falsely attests in an application that disclosure of the address of the applicant would endanger the safety of the applicant or the safety of the children of the applicant, or the minor or incompetent person on whose behalf the application is made, or household members residing with the applicant, or who knowingly provides false or incorrect information upon making an application may be found guilty of a violation of KRS 523.030.
- (7) The addresses of individuals applying for entrance into the Safe at Home Program and the addresses of those certified as program participants shall be exempt from disclosure under the Kentucky Open Records Act, KRS 61.870 to KRS 61.884. An agency may not require the program participant to submit any new address that could be used to physically locate the participant. When creating a new public record, state and local agencies shall accept the address designated by the Secretary of State as a program participant's substitute address, unless the Secretary of State has determined that:
  - (a) The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this chapter; and
  - (b) This address will be used only for those statutory and administrative purposes.
- (8)
  - (a) As part of the application process established by the Secretary of State pursuant to subsections (1) and (2) of this section, an applicant may request that state or local agencies be notified that an applicant has been certified and enrolled in the Safe at Home Program.
  - (b)
    1. The Secretary of State shall provide to such agencies the address that has been designated by the Secretary of State to serve as the mailing address of the participant;
    2. Agencies receiving such notification from the Secretary of State shall change any existing records to reflect the new address submitted under subparagraph 1. of this paragraph;
    3. Notifications under this section shall not affect residency designations; and
    4. Subparagraph 2. of this paragraph shall not apply to paper records if such records are more than five (5) years old and would be under the normal course of business maintained or archived in the event of an address change.
- (9) Except as provided for in subsection (10) of this section, if a program participant has notified a person in writing that he or she is a program participant, that person shall not knowingly disclose the program participant's:
  - (a) Name;
  - (b) Home address;
  - (c) Work address; or

- (d) School address.
- (10) Any person to whom a program participant has provided written notification that he or she is a program participant may knowingly disclose the program participant's name, and home, work, or school address if that person also lives, works, or goes to school at the address disclosed, or the participant has provided written consent to disclosure of the participant's name, home, work, or school address, for the purpose for which the disclosure will be made.
- (11) A program participant shall notify the Office of the Secretary of State of a change of address within fourteen (14) days of the change of address.
- (12) The Secretary of State shall provide verification of an individual's enrollment in the Safe at Home Program, as well as a personalized Safe at Home Program card. The Safe at Home Program verification card shall contain the participant's name, substitute address as designated by the Secretary of State, and any additional information as determined necessary to include by the Secretary of State.
- (13) Any person relocating or doing business in the Commonwealth of Kentucky who is a participant in a program in another state that is similar to the Safe at Home Program shall be deemed approved for inclusion in the Commonwealth of Kentucky's program for one (1) year. The Secretary of State shall promulgate administrative regulations establishing procedures necessary to recognize similar programs from outside the Commonwealth of Kentucky and enroll their participants. The following exceptions shall apply:
- (a) If the person is temporarily residing in the Commonwealth of Kentucky, he or she shall be considered a participant in the Safe at Home Program as long as he or she continues participation in such a program of a home state; or
- (b) If the person is not residing in the Commonwealth of Kentucky but is doing business or engaged in other transactions there, the person shall be considered a participant in the Safe at Home Program as long as he or she continues to participate in a similar program in his or her state of residence.

**Effective:** June 29, 2023

**History:** Amended 2023 Ky. Acts ch. 172, sec. 4, effective June 29, 2023. -- Amended 2015 Ky. Acts ch. 102, sec. 37, effective January 1, 2016. -- Created 2013 Ky. Acts ch. 87, sec. 3, effective June 25, 2013.