

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Enrolled

Senate Bill 1047

(Senator Lee)

Judicial Proceedings

Environment and Transportation

Task Force to Study Recording Deeds for Victims of Domestic Violence

This bill establishes the Task Force to Study Recording Deeds for Victims of Domestic Violence. The Secretary of State must serve as the chair of the task force, and the Office of the Secretary of State must provide staff. A member of the task force may not receive compensation but is entitled to reimbursement for expenses. The task force must study and make recommendations regarding how to protect the identity and address of a participant in the Address Confidentiality Program (ACP) for victims of domestic violence when recording a deed transferring real property to or from a program participant. The task force must report its findings and recommendations to the Governor and the General Assembly by December 1, 2017.

The bill takes effect July 1, 2016, and terminates December 31, 2017.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for the Office of the Secretary of State are assumed to be minimal and absorbable within existing budgeted resources. Other State agencies specified in the bill can likewise participate with existing resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Generally, a custodian of a public record, including a deed transferring real property, must permit inspection of the record at a reasonable time. A custodian has to deny inspection of a public record or any part of a public record if (1) the public record is privileged or confidential by law or (2) the inspection would be contrary to a State statute, a federal statute or regulation, the Maryland Rules, or an order of a court of record.

Requirements for a Deed in Maryland

A signed deed is generally considered to be sufficient to convey an interest in a property if it includes (1) the names of the grantor and grantee; (2) a description of the property sufficient to identify it with reasonable certainty; and (3) the interest intended to be conveyed. The masking or redaction of personal information in the *Internet version* of the record, as specified in statute, does not affect the validity of a deed or other recordable instrument.

Address Confidentiality Program

The Maryland Safe at Home ACP is administered by the Office of the Secretary of State and serves victims of domestic violence and victims of human trafficking. The stated goal of ACP is to help victims of domestic violence and human trafficking, who have relocated or are about to relocate, in an effort to keep their perpetrators from finding them. ACP provides a substitute address for victims who have moved or are about to move to a new location unknown to their abuser, and it provides participants with confidential mail-forwarding service for first-class mail and legal papers.

The service limits an abuser's ability to access public information that identifies the new location of a program participant. In most cases, using the substitute address allows State and local agencies to respond to requests for public information without disclosing the participant's actual address. Although the Office of the Secretary of State may verify the participation of a participant in ACP, the office may not otherwise disclose any records of a participant without a court order.

ACP has special procedures in place for participants to interact with the Motor Vehicle Administration (MVA), State Board of Elections (SBE), and public schools (including community colleges). Using special procedures at MVA, participants can obtain a driver's license without revealing their residential addresses. SBE has an address confidentiality program that allows voters to have their actual addresses suppressed and, therefore, not included in any public record. When a student presents his or her ACP authorization card, the school must accept the ACP substitute address. Verification of enrollment eligibility

and transfer of school records are handled by ACP staff. Private companies do not have to accept the substitute address.

Enrollment is for four years unless canceled by the participant or ACP. Individuals may re-enroll at the end of each four-year term if they feel that they are still in danger.

The Office of the Secretary of State advises that, as of March 4, 2016, 787 households (which includes victims and their family members) participate in ACP.

Domestic Violence in Maryland

According to the *2014 Uniform Crime Report*, 27,242 domestic violence crimes were reported in Maryland. Assault was by far the most frequently reported crime, with 24,485 incidents in calendar 2014. Of reported assaults, simple assaults comprised 19,697 incidents. There were 67 domestic violence homicides.

In fiscal 2014 (the latest information readily available), the circuit courts granted 1,795 temporary protective orders and 1,287 final protective orders. In fiscal 2015, the District Court granted 10,598 interim protective orders, 14,732 temporary protective orders, and 6,832 final protective orders. In fiscal 2015, there were a total of six permanent protective order petitions filed.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Secretary of State, Department of State Police, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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min/kdm

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