

Montgomery County Board of Commissioners

Ordinance 2019 – 27

Address Confidentially Policy

Whereas, Indiana Code § 36-1-8.5 allows certain individuals to request their property address be restricted from a public property data base website; and

Whereas, Montgomery County operates and maintains a public property data base website; and

Whereas, Montgomery County informally administers an address confidentiality policy; and

Whereas the Board of Commissioners finds it is in the best interests of the County and its citizens to adopt a formal address confidentially policy.

Therefore, it is ordained, that a new section of the Montgomery County Code of Ordinance, § 36.32, shall be added and the new section shall read as follows:

“§36.28 ADDRESS CONFIDENTIALITY

(A) Restriction of Public Access. Montgomery County publishes a public property data base web site, and Montgomery County will restrict access to the home address of a covered person who requests restricted access, as provided for by Indiana Code §36-1-8.5.

(B) Request for Restricted Access. A request for restricted access may be made to the County Building Commissioner on a state address confidentiality form or other written request;

(C) Process. Upon receipt of a request for restricted access, the Building Commissioner will take all steps in order to restrict access to the home address of the covered person, including but not limited to working with the County's third-party vendor, to ensure the restriction;

(D) Notice of Right to Restricted Access. In order to notify all covered persons of the right to restricted access of their home addresses on the County's public property data base website, the Building Commissioner will annually notify all covered persons of their right to restricted access. For purposes of this policy, notice to the highest ranking law enforcement officer at a local agency shall be deemed notice to all law enforcement officers in the department and notice to the highest ranking employee of the local office of the department of child services shall be deemed notice to all employees of the department of child services. The Building Commissioner will also annually provide information to local media and the County web site of the rights to restricted access in order to notify other covered persons who are not easily identified.

(E) Removal of Restricted Access. Any restriction to access placed under this process will remain until:

- (1) the covered person requesting the restriction submits to the Building Commissioners a request to allow public access to his or her home address; or
- (2) the person placing the restriction is no longer a covered person.

(F) Compliance. The Building Commissioner will periodically review the County public property web site for compliance with requested restrictions;

(G) Name Change: If the covered person who has placed a restriction under this section obtains a change of name under Indiana Code §34-28-2 and notifies the Building Commissioner in writing of the name change, the Building Commissioners will take all action necessary to ensure that restriction prevents a search by the general public of the public property data base web site does not disclose or otherwise associate the covered person's home address with either the person's former or current name.

(H) Definitions: The following definitions apply to this section:

- (1) **Covered person:** A "covered person" means:
 - (a) a judge;
 - (b) a law enforcement officer;
 - (c) a victim of domestic violence;
 - (d) a public official;

- (e) the surviving spouse of a law enforcement officer, if the officer was killed in the line of duty; or
 - (f) an employee of the department of child services.
- (2) **Employee of the Department of Child Services:** An “employee of the Department of Child Services” means an individual who is or was employed as any of the following by the department of child services established by Indiana Code §31-25-1-1:
- (a) a family case manager trainee;
 - (b) a family case manager;
 - (c) a family case manager supervisor;
 - (d) a local office director;
 - (e) a regional manager;
 - (f) a child services assistant;
 - (g) a child services attorney.
- (3) **Judge.** A “judge” means an individual who holds or formerly held office as:
- (a) a judge of a federal court, the Indiana Supreme Court, Indiana Court of Appeals, Indiana Tax Court, a circuit court, a superior court, a municipal court, a county court, or small claims court; or
 - (b) a magistrate, commissioner or juvenile referee of a court.
- (4) **Law Enforcement Officer:** A “law enforcement officer” means an individual who is or was formerly employed as:
- (a) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner or the inspector general;
 - (b) a deputy of any of the persons identified in subsection 4(a);
 - (c) a conservation officer;
 - (d) an investigator for a prosecuting attorney or for the inspector general;
 - (e) an enforcement officer of the securities division of the office of the secretary of state.
- (5) **Public Official.** A “public official” means an individual who holds or formerly held office at any time during the preceding four (4) years in the executive or legislative branch of the state or federal government or a political subdivision of the state or federal government.
- (6) **Public Property Data Base Web Site.** A “public property data base web site” means an Internet web site that:
- (a) is available to the general public over the internet;
 - (b) does not require registration, subscription, or creation of a

user name and password to search the web site; and
(c) connects a covered person's home address to the covered person's name, so that a search of the web site for the covered person's name discloses the covered person's home address.

(7) **Victim of Domestic Violence:** A "victim of domestic violence" means a victim of domestic violence who is certified as a program participant in the address confidentiality program as established by the attorney general under Indiana Code §5-26.5-2.

Authority: Indiana Code §36-1-8.5

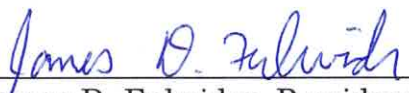
(Added by Ordinance 2019-27, adopted October 28, 2019)"

It is further ordained that this ordinance shall become effective upon adoption.


It is further ordained that any other provision of the Montgomery County Code of Ordinances which is not specifically amended by this ordinance shall remain in full force and effect.

Ordained this 28th day of October, 2019.

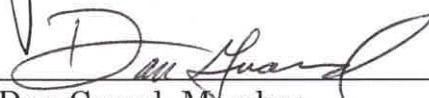
Montgomery County Board of Commissioners:



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