

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

H

2

HOUSE BILL 1402  
Committee Substitute Favorable 8/15/02

Short Title: Address Confidentiality Program.

(Public)

Sponsors:

Referred to:

April 26, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR  
3 VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. The General Statutes are amended by adding a new Chapter to  
6 read:

7 "Chapter 15C.

8 "Address Confidentiality Program.

9 "§ 15C-1. Purpose.

10 The purpose of this Chapter is to enable the State and its agencies to respond to  
11 requests for public records without disclosing the location of a victim of domestic  
12 violence, sexual offense, or stalking; to enable interagency cooperation in providing  
13 address confidentiality for victims of domestic violence, sexual offense, or stalking; and  
14 to enable the State and its agencies to accept a program participant's use of an address  
15 designated by the Office of the Attorney General as a substitute address.

16 "§ 15C-2. Definitions.

17 The following definitions apply in this Chapter:

- 18 (1) Actual address or address. – A residential, work, or school street  
19 address as specified on the individual's application to be a program  
20 participant under this Chapter.
- 21 (2) Address Confidentiality Program or Program. – A program in the  
22 Office of the Attorney General to protect the confidentiality of the  
23 address of a relocated victim of domestic violence, sexual offense, or  
24 stalking to prevent the victim's assailants or potential assailants from  
25 finding the victim through public records.
- 26 (3) Agency of North Carolina or agency. – Includes every elected or  
27 appointed State or local public office, public officer, or official;  
28 institution, board, commission, bureau, council, department, authority,  
29 or other unit of government of the State or of any local government; or

1 unit, special district, or other political subdivision of State or local  
2 government.

3 (4) Application assistant. – An employee of an agency or nonprofit  
4 organization who provides counseling, referral, shelter, or other  
5 specialized services to victims of domestic violence, sexual offense, or  
6 stalking and who has been designated by the Attorney General to assist  
7 individuals with applications to participate in the Address  
8 Confidentiality Program.

9 (5) Attorney General. – Office of the Attorney General.

10 (6) Person. – Any individual, corporation, limited liability company,  
11 partnership, trust, estate, or other association or any state, the United  
12 States, or any subdivision thereof.

13 (7) Program participant. – An individual accepted into the Address  
14 Confidentiality Program in accordance with this Chapter.

15 (8) Public record. – A public record as defined in Chapter 132 of the  
16 General Statutes.

17 (9) Substitute address. – An address designated by the Attorney General  
18 under the Address Confidentiality Program.

19 (10) Victim of domestic violence. – An individual against whom domestic  
20 violence, as defined in G.S. 50B-1, has been committed.

21 (11) Victim of a sexual offense. – An individual against whom a sexual  
22 offense under Article 7A of Chapter 14 of the General Statutes has  
23 been committed.

24 (12) Victim of stalking. – An individual against whom stalking, as defined  
25 in G.S. 14-277.3, has been committed.

26 **§ 15C-3. Address Confidentiality Program.**

27 The General Assembly establishes the Address Confidentiality Program in the  
28 Office of the Attorney General to protect the confidentiality of the address of a relocated  
29 victim of domestic violence, sexual offense, or stalking to prevent the victim's assailants  
30 or potential assailants from finding the victim through public records. Under this  
31 Program, the Attorney General shall designate a substitute address for a program  
32 participant and act as the agent of the program participant for purposes of service of  
33 process and receiving and forwarding first-class mail. The Attorney General shall not be  
34 required to forward any mail other than first-class mail to the program participant. The  
35 Attorney General shall not be required to track or otherwise maintain records of any  
36 mail received on behalf of a program participant unless the mail is certified or registered  
37 mail.

38 **§ 15C-4. Filing and certification of applications; authorization card.**

39 (a) Applications shall be filed with the Attorney General. Any of the following  
40 individuals may apply to the Attorney General to have an address designated by the  
41 Attorney General to serve as the substitute address of the individual:

42 (1) An adult person.

43 (2) A parent or guardian acting on behalf of a minor when the minor  
44 resides with the victim.

- 1           (3) A guardian acting on behalf of an incapacitated person.
- 2       (b) The application shall be dated, signed, and verified by the applicant and shall  
3 be signed by the application assistant who assisted in the preparation of the application.
- 4       (c) The application shall contain all of the following:
- 5           (1) A statement by the applicant that the applicant, or the person on behalf  
6 of whom the applicant is applying, is a victim of domestic violence,  
7 sexual offense, or stalking and that the victim fears for his or her safety  
8 or the safety of his or her child.
- 9           (2) Evidence that the applicant, or the person on behalf of whom the  
10 applicant is applying, is a victim of domestic violence, sexual offense,  
11 or stalking. This evidence may include any of the following:
- 12           a. Police, court, or other federal or state agency records or files.
- 13           b. Documentation from a domestic violence program if the  
14 applicant, or the person on behalf of whom the applicant is  
15 applying, is alleged to be a victim of domestic violence.
- 16           c. Documentation from a religious, medical, or other professional  
17 from whom the applicant, or the person on behalf of whom the  
18 applicant is applying, has sought assistance in dealing with the  
19 alleged domestic violence, sexual offense, or stalking.
- 20           (3) A statement by the applicant that disclosure of the victim's address  
21 would endanger the victim's safety or the safety of the victim's child.
- 22           (4) A statement by the applicant that the victim has or will confidentially  
23 relocate in North Carolina.
- 24           (5) A designation of the Attorney General as an agent for purposes of  
25 service of process and the receipt of first-class mail.
- 26           (6) The mailing address and telephone number where the victim can be  
27 contacted by the Attorney General.
- 28           (7) The address that the applicant requests not to be disclosed by the  
29 Attorney General that directly relates to the increased risk of domestic  
30 violence, sexual offense, or stalking.
- 31           (8) A statement as to whether there is any existing court order or court  
32 action involving the applicant related to divorce proceedings, child  
33 support, child custody, or child visitation and the court that issued the  
34 order or has jurisdiction over the action.
- 35           (9) A statement by the applicant that to the best of the applicant's  
36 knowledge, the information contained in the application is true.
- 37           (10) A recommendation of an application assistant that the victim have an  
38 address designated by the Attorney General to serve as the substitute  
39 address of the victim.
- 40       (d) Upon the filing of a properly completed application, the Attorney General  
41 shall certify the applicant as a program participant. Upon certification, the Attorney  
42 General shall issue an Address Confidentiality Program authorization card to the  
43 program participant. The Address Confidentiality Program authorization card shall  
44 remain valid for so long as the program participant remains certified under the Program.

1       (e) Applicants shall be certified for four years following the date of filing unless  
2 the certification is withdrawn or canceled prior to the end of the four-year period. A  
3 program participant may withdraw the certification by filing a request for withdrawal  
4 acknowledged before a notary with the Attorney General. A certification may be  
5 renewed by filing an application containing the information required by G.S. 15C-3  
6 with the Attorney General at least 30 days prior to expiration of the current certification.  
7 **"§ 15C-5. Change of name, address, or telephone number.**

8       (a) A participant shall notify the Attorney General within 30 days after the  
9 participant has obtained a legal name change by providing the Attorney General a  
10 certified copy of any judgment or order evidencing the change or any other  
11 documentation the Attorney General deems to be sufficient evidence of the name  
12 change. If the participant fails to notify the Attorney General of a name change in the  
13 manner provided in this subsection, the participant shall lose certification in the  
14 Program.

15       (b) A participant shall notify the Attorney General of a change in address or  
16 telephone number from the address or telephone number listed for the participant on the  
17 application at least seven days before the change occurs. If the participant fails to notify  
18 the Attorney General of a change in address or telephone number in the manner  
19 provided in this subsection, the participant shall lose certification in the Program.

20 **"§ 15C-6. Falsifying application information.**

21       A person who falsely attests in an application that disclosure of the applicant's  
22 address would endanger the applicant's safety or the safety of the applicant's child or  
23 who knowingly provides false information when applying for certification or renewal  
24 shall lose his or her certification. The Attorney General shall investigate violations of  
25 this section and, upon finding that a violation has occurred, assess a civil penalty not to  
26 exceed five hundred dollars (\$500.00).

27 **"§ 15C-7. Certification cancellation; records.**

28       (a) The Attorney General shall cancel the certification of a program participant  
29 under any of the following circumstances:

- 30       (1) The program participant files a request for withdrawal of the  
31 certification pursuant to G.S. 15C-4.
- 32       (2) The program participant fails to notify the Attorney General of a  
33 change in the participant's name, address, or telephone number listed  
34 on the application pursuant to G.S. 15C-5.
- 35       (3) The program participant submitted false information in applying for  
36 certification to the Program in violation of G.S. 15C-6.
- 37       (4) Mail forwarded to the program participant is returned as undeliverable.

38       (b) The provisions of Article 3 of Chapter 150B of the General Statutes shall not  
39 apply to any cancellation of certification by the Attorney General pursuant to subsection  
40 (a) of this section.

41       (c) The Attorney General shall send notice of cancellation to the program  
42 participant. Notice of cancellation shall set out the reasons for cancellation. The  
43 program participant shall have 30 days to appeal the cancellation decision under  
44 procedures developed by the Attorney General.

1       (d) Any records or documents pertaining to a program participant shall be  
2 maintained in accordance with The General Schedule for State Agencies as established  
3 by the Department of Cultural Resources.

4       (e) A person who ceases to be a program participant is responsible for notifying  
5 persons who use the substitute address designated by the Attorney General as the  
6 program participant's address that the designated substitute address is no longer the  
7 person's address.

8 **"§ 15C-8. Address use by State or local agencies.**

9       (a) The program participant, and not the Attorney General, is responsible for  
10 requesting that agencies of North Carolina use the address designated by the Attorney  
11 General as the substitute address of the program participant.

12       (b) When a program participant submits a current and valid Address  
13 Confidentiality Program authorization card to an agency of North Carolina, the agency  
14 shall accept the address designation by the Attorney General as the program  
15 participant's substitute address when creating a new public record unless the Attorney  
16 General has determined that the agency has a statutory or administrative requirement  
17 that the agency is unable to fulfill without possession of the program participant's actual  
18 residential address and the address will be used only for those statutory or  
19 administrative purposes.

20       (c) An agency may submit a request for a waiver from the requirements of the  
21 Address Confidentiality Program to the Attorney General. The agency's waiver request  
22 must be in writing and include an explanation of why the agency cannot meet its  
23 statutory or administrative obligations by a change in its internal procedures.

24       (d) The Attorney General's acceptance or denial of an agency's waiver request  
25 must be made in writing and include a statement of specific reasons for acceptance or  
26 denial. Acceptance or denial of an agency's waiver request is not subject to further  
27 review.

28       (e) A board of elections shall use the actual address of a program participant for  
29 all election-related purposes and shall keep the address confidential from the public  
30 under the provisions of G.S. 163-82.10(d). Use of the address on letters placed in the  
31 United States mail by a board of elections shall not be considered a breach of  
32 confidentiality. The substitute address designation provided by the Attorney General  
33 shall not be used as an address for voter registration or verification purposes.

34       (f) For purposes of levying and collecting property taxes on motor vehicles  
35 pursuant to Article 22A of Chapter 105 of the General Statutes, the Attorney General  
36 shall issue to the county, city, or town assessor or tax collector a list containing the  
37 names and actual addresses of program participants residing in that county, city, or  
38 town. This list shall only be used for the purposes of listing, appraisal, and assessment  
39 of motor vehicles and the collection of property taxes on motor vehicles in the county,  
40 city, or town. The county, city, or town assessor or tax collector or any current or former  
41 officer, employee, or agent of any county, city, or town, who in the course of service to  
42 or employment by the county, city, or town has access to the name and actual address of  
43 a program participant, may not disclose this information to any other person.

1       (g) The substitute address designated by the Attorney General shall not be used  
2 for purposes of listing, appraisal, and assessment of property and collection of taxes on  
3 property under the provisions of Subchapter II of Chapter 105 of the General Statutes.

4       (h) The substitute address designated by the Attorney General shall not be used  
5 as an address by any register of deeds for purposes of indexing land registered under  
6 Article 4 of Chapter 43 of the General Statutes in the index of registered instruments  
7 pursuant to G.S. 161-22.

8       (i) A local school administrative unit shall use the actual address of a program  
9 participant for any purpose related to admission or assignment pursuant to Article 25 of  
10 Chapter 115C of the General Statutes and shall keep the address confidential from the  
11 public under the provisions of this Article. The substitute address designated by the  
12 Attorney General shall not be used as an address for admission or assignment purposes.  
13 For purposes of student records created under Chapter 115C of the General Statutes, the  
14 substitute address designated by the Attorney General shall be used.

15       (j) A program participant's address and telephone number maintained by an  
16 agency of North Carolina is not a public record within the meaning of Chapter 132 of  
17 the General Statutes.

18 **"§ 15C-9. Disclosure of address prohibited.**

19       (a) The Attorney General is prohibited from disclosing any address or telephone  
20 number of a program participant other than the substitute address designated by the  
21 Attorney General, except under the following circumstances:

22       (1) The information is requested by a federal, state, or local law  
23 enforcement agency for official use only.

24       (2) The information is required by direction of a court order. However,  
25 any person to whom a program participant's address or telephone  
26 number has been disclosed shall not disclose the address or telephone  
27 number to any other person unless permitted to do so by order of the  
28 court.

29       (3) Upon request by an agency to verify the participation of a specific  
30 program participant when the verification is for official use only.

31       (4) Upon request by an agency, in the manner provided for by G.S. 15C-8.

32       (5) The program participant is required to disclose his or her actual  
33 address as part of a registration required by Article 27A of Chapter 14  
34 of the General Statutes.

35       (b) The Attorney General shall provide immediate notification of disclosure to a  
36 program participant when disclosure is made pursuant to subdivision (2) or (4) of  
37 subsection (a) of this section.

38       (c) If, at the time of application, a program participant is subject to a court order  
39 related to divorce proceedings, child support, child custody, or child visitation, the  
40 Attorney General shall notify the court that issued the order of the certification of the  
41 program participant in the Address Confidentiality Program and the substitute address  
42 designated by the Attorney General. If, at the time of application, a program participant  
43 is involved in a court action related to divorce proceedings, child support, child custody,  
44 or child visitation, the Attorney General shall notify the court having jurisdiction over

1 the action of the certification of the program participant in the Address Confidentiality  
2 Program and the substitute address designated by the Attorney General.

3 (d) No person shall knowingly and intentionally obtain a program participant's  
4 actual address from the Attorney General or an agency knowing that he or she is not  
5 authorized to obtain the address information.

6 (e) No employee of the Attorney General or an agency shall knowingly and  
7 intentionally disclose a program participant's actual address to a person known to the  
8 employee to be prohibited from receiving the participant's actual address, unless such  
9 disclosure is permissible by law. This subsection only applies when an employee  
10 obtains a participant's actual address during the course of the employee's official duties  
11 and, at the time of disclosure, the employee has specific knowledge that the address  
12 disclosed belongs to a person participating in the Program.

13 (f) Any person who knowingly and intentionally obtains or discloses information  
14 in violation of this Chapter shall be guilty of a Class 1 misdemeanor and assessed a fine  
15 not to exceed two thousand five hundred dollars (\$2,500).

16 (g) A program participant's address or telephone number maintained by the  
17 Attorney General or disclosed by the Attorney General pursuant to this Chapter is not a  
18 public record within the meaning of Chapter 132 of the General Statutes.

19 **"§ 15C-10. Assistance for program applicants.**

20 The Attorney General shall designate agencies of North Carolina and nonprofit  
21 organizations that provide counseling and shelter services to victims of domestic  
22 violence, sexual offense, or stalking to assist persons applying to be program  
23 participants. Any assistance and counseling rendered by the Office of the Attorney  
24 General or its designee to applicants shall in no way be construed as legal advice.

25 **"§ 15C-11. Limited liability.**

26 The State, its agencies, and their officers, officials, employees, and agents, both past  
27 and present, in their official and individual capacities, shall be immune and held  
28 harmless from any liability in any action brought by or on behalf of any person injured  
29 or harmed by the actions or inactions of these entities and individuals in implementing  
30 this Chapter, provided that the entity or individual was acting in good faith and without  
31 malice. In any proceeding involving liability, good faith and lack of malice are  
32 presumed.

33 **"§ 15C-12. Rule-making authority.**

34 The Attorney General is authorized to adopt any rules deemed necessary to carry out  
35 the provisions of this Chapter.

36 **"§ 15C-13. Additional time for action.**

37 Whenever the laws of this State provide a program participant a legal right to act  
38 within a prescribed period of 10 days or less after the service of a notice or other paper  
39 upon the participant, and the notice or paper is served upon the participant by mail  
40 pursuant to this Chapter, five days shall be added to the prescribed period."

41 **SECTION 2.** G.S. 1A-1, Rule 6, is amended by adding a new subsection to  
42 read:

43 "(f) Additional time for Address Confidentiality Program participants. –  
44 Whenever a person participating in the Address Confidentiality Program established by

1 Chapter 15C of the General Statutes has a legal right to act within a prescribed period of  
2 10 days or less after the service of a notice or other paper upon the participant, and the  
3 notice or paper is served upon the participant by mail, five days shall be added to the  
4 prescribed period."

5 SECTION 3. Article 2 of Chapter 51 of the General Statutes is amended by  
6 adding the following section:

7 "**§ 51-16.1. Form of license for Address Confidentiality Program participant.**

8 If a person submits to the local register of deeds a current and valid Address  
9 Confidentiality Program authorization card issued pursuant to the provisions of Chapter  
10 15C of the General Statutes, the local register of deeds shall use the substitute address  
11 designated by the Address Confidentiality Program when creating a new marriage  
12 license."

13 SECTION 4. G.S. 115C-320 reads as rewritten:

14 "**§ 115C-320. Certain records open to inspection.**

15 Each local board of education shall maintain a record of each of its employees,  
16 showing the following information with respect to each employee: name, age, date of  
17 original employment or appointment, current position, title, current salary, date and  
18 amount of most recent increase or decrease in salary, date of most recent promotion,  
19 demotion, transfer, suspension, separation, or other change in position classification,  
20 and the office or station to which the employee is currently assigned. Subject only to  
21 rules and regulations for the safekeeping of records adopted by the local board of  
22 education, every person having custody of the records shall permit them to be inspected  
23 and examined and copies made by any person during regular business hours. The name  
24 of a participant in the Address Confidentiality Program established pursuant to Chapter  
25 15C of the General Statutes shall not be open to inspection and shall be redacted from  
26 any record released pursuant to this section. Any person who is denied access to any  
27 record for the purpose of inspecting, examining or copying the record shall have a right  
28 to compel compliance with the provisions of this section by application to a court of  
29 competent jurisdiction for a writ of mandamus or other appropriate relief."

30 SECTION 5. G.S. 115C-366 is amended by adding a new subsection to  
31 read:

32 "(g) Any local school administrative unit may use the actual address of a program  
33 participant for any purpose related to admission or assignment pursuant to this Article  
34 as long as the address is kept confidential from the public under the provisions of  
35 Chapter 15C of the General Statutes. The substitute address designated by the Attorney  
36 General shall not be used as an address for admission or assignment purposes."

37 SECTION 6. G.S. 115C-402 is amended by adding a new subsection to  
38 read:

39 "(f) The actual address and telephone number of a student who is a participant in  
40 the Address Confidentiality Program established pursuant to Chapter 15C of the  
41 General Statutes or a student with a parent who is a participant in the Address  
42 Confidentiality Program established pursuant to Chapter 15C of the General Statutes  
43 shall be kept confidential from the public and shall not be disclosed except as provided  
44 in Chapter 15C of the General Statutes."



1           **SECTION 7.** G.S. 132.1.1 reads as rewritten:

2   **"§ 132-1.1. Confidential communications by legal counsel to public board or**  
3   **agency; State tax information; public enterprise billing**  
4   **information-information; Address Confidentiality Program information.**

5       (a) Confidential Communications. – Public records, as defined in G.S. 132-1,  
6 shall not include written communications (and copies thereof) to any public board,  
7 council, commission or other governmental body of the State or of any county,  
8 municipality or other political subdivision or unit of government, made within the scope  
9 of the attorney-client relationship by any attorney-at-law serving any such governmental  
10 body, concerning any claim against or on behalf of the governmental body or the  
11 governmental entity for which such body acts, or concerning the prosecution, defense,  
12 settlement or litigation of any judicial action, or any administrative or other type of  
13 proceeding to which the governmental body is a party or by which it is or may be  
14 directly affected. Such written communication and copies thereof shall not be open to  
15 public inspection, examination or copying unless specifically made public by the  
16 governmental body receiving such written communications; provided, however, that  
17 such written communications and copies thereof shall become public records as defined  
18 in G.S. 132-1 three years from the date such communication was received by such  
19 public board, council, commission or other governmental body.

20       (b) State and Local Tax Information. – Tax information may not be disclosed  
21 except as provided in G.S. 105-259. As used in this subsection, "tax information" has  
22 the same meaning as in G.S. 105-259. Local tax records that contain information about  
23 a taxpayer's income or receipts may not be disclosed except as provided in G.S.  
24 153A-148.1 and G.S. 160A-208.1.

25       (c) Public Enterprise Billing Information. – Billing information compiled and  
26 maintained by a city or county or other public entity providing utility services in  
27 connection with the ownership or operation of a public enterprise is not a public record  
28 as defined in G.S. 132-1. Nothing contained herein is intended to limit public disclosure  
29 by a city or county of billing information:

- 30           (i) that the city or county determines will be useful or necessary to assist  
31           bond counsel, bond underwriters, underwriters' counsel, rating  
32           agencies or investors or potential investors in making informed  
33           decisions regarding bonds or other obligations incurred or to be  
34           incurred with respect to the public enterprise;
- 35           (ii) that is necessary to assist the city, county, State, or public enterprise to  
36           maintain the integrity and quality of services it provides; or
- 37           (iii) that is necessary to assist law enforcement, public safety, fire  
38           protection, rescue, emergency management, or judicial officers in the  
39           performance of their duties.

40       As used herein, "billing information" means any record or information, in whatever  
41 form, compiled or maintained with respect to individual customers by any owner or  
42 operator of a public enterprise, as defined in G.S. 160A-311 and G.S. 153A-274, or  
43 other public entity providing utility services, relating to services it provides or will  
44 provide to the customer.

1       (d) Address Confidentiality Program Information. – The actual address and  
2 telephone number of a program participant in the Address Confidentiality Program  
3 established under Chapter 15C of the General Statutes is not a public record within the  
4 meaning of Chapter 132. The actual address and telephone number of a program  
5 participant may not be disclosed except as provided in Chapter 15C of the General  
6 Statutes."

7               **SECTION 8.** G.S. 163-82.10(d) reads as rewritten:

8       "(d) Exception for Address of Certain Registered Voters. – Notwithstanding  
9 subsections (b) and (c) of this section, if a registered voter submits to the county board  
10 of elections a copy of a protective order without attachments, if any, issued to that  
11 person under G.S. 50B-3 or a lawful order of any court of competent jurisdiction  
12 restricting the access or contact of one or more persons with a registered voter or a  
13 current and valid Address Confidentiality Program authorization card issued pursuant to  
14 the provisions of Chapter 15C of the General Statutes, accompanied by a signed  
15 statement that the voter has good reason to believe that the physical safety of the voter  
16 or a member of the voter's family residing with the voter would be jeopardized if the  
17 voter's address were open to public inspection, that voter's address is a public record but  
18 shall be kept confidential as long as the protective order remains in ~~effect~~ effect or the  
19 voter remains a certified program participant in the Address Confidentiality Program.  
20 That voter's name, precinct, and the other data contained in that voter's registration  
21 record shall remain a public record. That voter's signed statement submitted under this  
22 subsection is a public record but shall be kept confidential as long as the protective  
23 order remains in ~~effect~~ effect or the voter remains a certified program participant in the  
24 Address Confidentiality Program. It is the responsibility of the voter to provide the  
25 county board with a copy of the valid protective order in ~~effect~~ effect or a current and  
26 valid Address Confidentiality Program authorization card issued pursuant to the  
27 provisions of Chapter 15C of the General Statutes. The voter's actual address may be  
28 used for any election-related purpose by any board of elections. That voter's address  
29 shall be available for inspection by a law enforcement agency or by a person identified  
30 in a court order, if inspection of the address by that person is directed by that court  
31 order. It shall not be a violation of this section if the address of a voter who is  
32 participating in the Address Confidentiality Program is discovered by a member of the  
33 public in public records disclosed by a county board of elections prior to December 1,  
34 2001."

35               **SECTION 9.** This act shall not be construed to obligate the General  
36 Assembly to appropriate any funds to implement the provisions of this act. The  
37 Attorney General and all other agencies to which this act applies shall implement the  
38 provisions of this act with funds that are otherwise appropriated or available.

39               **SECTION 10.** This act becomes effective January 1, 2003.