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# A BILL FOR AN ACT

RELATING TO ADDRESS CONFIDENTIALITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. This Act shall be known and may be cited as the  
2 Address Confidentiality Program Act.

3           SECTION 2. The legislature finds that a person may attempt  
4 to escape from actual or threatened domestic violence, sexual  
5 offenses, or stalking by moving to a new address in order to  
6 prevent being found by an assailant or potential assailant.  
7 However, a new address only provides the person with protection  
8 if an assailant or potential assailant does not discover the new  
9 address.

10           An address confidentiality program helps protect a victim  
11 of domestic violence, sexual offenses, or stalking by providing  
12 victims with a substitute legal address to be used by state and  
13 local government agencies in place of their physical address.  
14 This substitute address may be used whenever an address is  
15 required for public records. Mail is received at the substitute  
16 address and forwarded to the victim's actual address.



1 The purpose of this Act is to establish an address  
2 confidentiality program to help survivors of domestic violence,  
3 sexual offenses, or stalking relocate and keep their actual  
4 addresses confidential.

5 SECTION 3. The Hawaii Revised Statutes is amended by  
6 adding a new chapter to be appropriately designated and to read  
7 as follows:

8 "CHAPTER

9 ADDRESS CONFIDENTIALITY PROGRAM

10 § -1 Definitions. As used in this chapter:

11 "Actual address" means a residential, work, or school  
12 address as specified on an applicant's application and includes  
13 the applicant's county of residence and voting precinct.

14 "Address confidentiality program" or "program" means the  
15 program established by section -2.

16 "Agency" means any department, board, bureau, commission,  
17 court, division, office, council, or agency of the State, city,  
18 or county.

19 "Applicant" means an individual who is applying to  
20 participate in the address confidentiality program.



1 "Application assistant" means a current employee or volunteer  
2 serving a victim services organization who is certified by the  
3 program pursuant to this chapter to assist individuals with  
4 applications to participate in the program; provided that an  
5 applicant assistant shall not be an employee of the program.

6 "Department" means the department of .

7 "Domestic violence" shall have the same meaning as  
8 "domestic abuse" in section 586-1.

9 "Program director" means the director of the program.

10 "Program participant" or "participant" means an individual  
11 accepted into the address confidentiality program.

12 "Secondary applicant" and "secondary program participant"  
13 means a parent, spouse, domestic partner, child, or legal dependent  
14 of a program participant who lives at the same actual address as  
15 the program participant and whose participation in the program is  
16 necessary for the safety of the program participant.

17 "Sexual offense" means an act described in sections  
18 707-730, 707-731, 707-732, 707-733, 707-733.6, 707-734, 707-741,  
19 707-750, 707-752 707-756, 707-757, and 707-759.

20 "Stalking" means any act described in sections 711-1106.4 and  
21 711-1106.5.



1 "Substitute address" means an address that is used instead  
2 of an actual address and assigned to a participant under the  
3 address confidentiality program.

4 "Victim services organization" means a nonprofit,  
5 nongovernmental organization that provides assistance to victims  
6 of domestic or sexual violence or advocates for such victims,  
7 including rape crisis centers; an organization operating a  
8 shelter or providing professional counseling services; or an  
9 organization that provides assistance with the legal process  
10 including but not limited to the victim-witness assistance  
11 program and victim assistance units established in section  
12 28-111.

13 § -2 Address confidentiality program; established. (a)

14 There is established the address confidentiality program in the  
15 department of \_\_\_\_\_ to protect the confidentiality of  
16 the actual address of a victim of domestic violence, a sexual  
17 offense, or stalking and to prevent the victim's assailants or  
18 potential assailants from finding the victim through public  
19 records. The program shall:

20 (1) Assign a substitute address to the program participant  
21 that shall be used by agencies;



1           (2) Receive first-class, certified, or registered mail  
2           sent to a program participant at the substitute  
3           address and forward the mail to the program  
4           participant at no cost to the program participant;  
5           provided that the program shall not be required to track  
6           or maintain records of mail or to forward packages, bulk  
7           mail, or pre-sorted mail; provided further that the  
8           program shall maintain a log of certified or registered  
9           mail or legal service received on behalf of a program  
10          participant; and

11          (3) Act as the agent of the program participant for  
12          purposes of services of all legal process in the  
13          State.

14          (b) The program shall consist of a program director and  
15 other personnel necessary for the efficient functioning of the  
16 program. The program director and personnel shall be appointed  
17 without regard to chapter 76, but shall be subject to chapter 89.

18          (c) The program director shall designate applicant  
19 assistants to assist applicants with the application process and  
20 assist in the certification of the applicant; provided that any  
21 assistance provided shall not be construed as legal advice.



1           §   -3 Filing and certification of applicants;  
2 authorization card. (a) The following individuals may apply to  
3 participate in the address confidentiality program and shall be  
4 assisted by a victim advocate of the program:

- 5           (1) An adult individual;
- 6           (2) A parent or guardian acting on behalf of an individual  
7                 who resides with the parent or guardian; or
- 8           (3) A guardian acting on behalf of an incapacitated  
9                 individual.

10           (b) The application shall be as prescribed by the program  
11 director and shall contain the following:

- 12           (1) The applicant's name;
- 13           (2) A statement by the applicant that the applicant or the  
14                 person for whom the applicant is applying is a victim  
15                 of domestic violence, a sexual offense, or stalking  
16                 and that the applicant fears for the applicant's  
17                 safety;
- 18           (3) Evidence that the applicant or the person for whom the  
19                 applicant is applying is a victim of domestic  
20                 violence, a sexual offense, or stalking, including any  
21                 of the following:



- 1 (A) Records or files of a court or government agency  
2 including but not limited to police reports,  
3 valid restraining orders, injunctions against  
4 harassment, and documents from criminal cases;
- 5 (B) Documentation from a domestic violence program,  
6 agency, or facility including but not limited to  
7 a women's shelter or safe house;
- 8 (C) Documentation from a sexual assault program; or
- 9 (D) Documentation from a medical professional, mental  
10 health provider, or other class of professionals  
11 designated by the program director from whom the  
12 applicant has sought assistance in dealing with  
13 the alleged domestic violence, sexual offense, or  
14 stalking;
- 15 (4) A statement by the applicant that disclosure of the  
16 applicant's actual address will endanger the  
17 applicant's safety or safety of the person for whom the  
18 applicant is applying;
- 19 (5) A statement by the applicant or the person for whom  
20 the applicant is applying that the applicant has  
21 confidentially relocated to an address in the State or



- 1 will relocate to an address in the State within thirty  
2 days of the date of application and will not disclose  
3 the location to assailants or potential assailants;
- 4 (6) The applicant's written consent that the program shall  
5 serve as the agent for the applicant or the person for  
6 whom the applicant is applying for purposes of service  
7 of process and receiving mail;
- 8 (7) The mailing address and telephone number where the  
9 applicant or the person for whom the applicant is  
10 applying may be contacted by the program;
- 11 (8) The actual address of the applicant or the person for  
12 whom the applicant is applying;
- 13 (9) The applicant's sworn statement that the information  
14 contained in the application is true;
- 15 (10) The application assistant's statement that the  
16 application assistant has met with the applicant or the  
17 person for whom the applicant is applying and  
18 recommends that the applicant be assigned a substitute  
19 address; and
- 20 (11) The date of signature of the applicant and the  
21 application assistant.





1 (c) Upon the determination that an application has been  
2 properly completed, the program director may certify the  
3 applicant as a program participant and issue the program  
4 participant an address confidentiality program authorization  
5 card that shall include the participant's substitute address and  
6 remain valid for a period of time set forth by the program  
7 director; provided that the certification may be canceled  
8 pursuant to section -6.

9 (d) A certification may be renewed by filing a renewal  
10 application with the program no more than thirty days prior to  
11 but at least five days prior to the expiration of the existing  
12 certification.

13 § -4 Filing and certification of secondary applicants;  
14 authorization card. (a) The parent, spouse, domestic partner,  
15 child, or legal dependent of a program participant who resides at  
16 the same actual address as the program participant and whose  
17 participation in the program is necessary for the safety of the  
18 program participant may apply to the program as a secondary  
19 applicant.

20 (b) The application shall be as prescribed by the program  
21 director and shall contain the following:



- 1 (1) The name of the secondary applicant;
- 2 (2) The actual address of the secondary applicant;
- 3 (3) The name of the program participant;
- 4 (4) The actual address of the program participant;
- 5 (5) A statement by the secondary applicant that disclosure  
6 of the secondary applicant's actual address will  
7 endanger the program participant's safety;
- 8 (6) A statement by the program participant that the  
9 secondary applicant's participation is necessary for  
10 the program participant's safety;
- 11 (7) A statement by the secondary applicant that the  
12 secondary applicant has confidentially relocated with  
13 the program participant or will confidentially  
14 relocate with the program participant within thirty  
15 days of the date of the application and will not  
16 disclose the location to assailants or potential  
17 assailants of the program participant;
- 18 (8) The secondary applicant's written consent that the  
19 program shall serve as the secondary applicant's agent  
20 for purposes of service of process and receiving mail;



- 1           (9)    The mailing address and telephone number where the  
2                   secondary applicant may be contacted by the program;
- 3           (10)   The secondary applicant's sworn statement that the  
4                   information contained in the application is true;
- 5           (11)   The program participant's sworn statement that the  
6                   information contained in the application is true;
- 7           (12)   An applicant assistant's statement that the applicant  
8                   assistant has met with and discussed the application  
9                   with the secondary applicant and the program  
10                  participant and the applicant assistant recommends  
11                  that the secondary applicant be assigned a substitute  
12                  address; and
- 13          (13)   The date of signature of the secondary applicant,  
14                  program participant, and applicant assistant.
- 15          (c)    Upon the determination that an application has been  
16 properly completed, the program director may certify the  
17 secondary applicant as a secondary program participant and issue  
18 the secondary program participant an address confidentiality  
19 program authorization card that shall include the program  
20 participant's substitute address and remain valid for the same  
21 period of time as the program participant's certification;



1 provided that the certification may be cancelled pursuant to  
2 section -6 or if the program participant's participation in  
3 the program is cancelled for any reason.

4 (d) The secondary program participant shall submit an  
5 application to renew certification at the same time as the  
6 program participant.

7 (e) All other sections of this chapter shall apply to the  
8 secondary program participant as if the secondary program  
9 participant was a program participant.

10 § -5 Change of name, address, or telephone number. (a)  
11 Within thirty days of a legal name change, a program participant  
12 shall provide the program with a certified copy of a judgment,  
13 order, or any other documentation the program director deems to  
14 be sufficient evidence of the name change.

15 (b) Within ten days of a change in actual address or  
16 telephone number, a program participant shall notify the program  
17 of the change.

18 § -6 Certification cancellation. (a) A program  
19 participant's certification shall be canceled if:

20 (1) The program participant submits a written request for  
21 withdrawal of the certification;



- 1           (2) The program participant fails to notify the program of
- 2           a change in the program participant's legal name,
- 3           mailing address, actual address, or telephone number;
- 4           (3) The program participant knowingly submitted false
- 5           information on the program application;
- 6           (4) Mail forwarded by the program to the program
- 7           participant is returned as undeliverable;
- 8           (5) A renewal application pursuant to section -3(d) or
- 9           -4(d) is not received or approved by the program;
- 10          or
- 11          (6) The program participant's mailing or actual address is
- 12          not located in the State.
- 13          (b) The program director shall send to the program
- 14 participant a notice of cancellation that includes the reasons
- 15 for cancellation.
- 16          (c) An individual who ceases to be a program participant
- 17 shall be responsible for notifying persons who use the
- 18 substitute address that the substitute address is no longer
- 19 valid.
- 20          (d) Any mail returned as undeliverable or any mail that
- 21 continues to be received by the program following a



1 certification cancellation shall be destroyed sixty days after  
2 the certification cancellation date.

3 § -7 Appeal. (a) Within thirty days of the date of the  
4 notice of denial of an application or certification cancellation,  
5 an applicant or program participant may submit a written appeal to  
6 the department; provided that the appeal shall not be a contested  
7 case as defined by chapter 91.

8 (b) The department shall adopt rules pursuant to chapter  
9 91 to implement this section; provided that the appeal process  
10 shall not include a hearing and the department's final  
11 determination shall not be subject to judicial review.

12 § -8 Service of Process. (a) The service of process  
13 upon an agent of the program shall constitute service upon the  
14 program participant.

15 (b) Upon the receipt of service, the program shall forward  
16 the served document to the program participant within three  
17 calendar days of receipt; provided that if there is a legal  
18 requirement to act within a prescribed period of ten days or  
19 less after the service of process, notice, or demand, five days  
20 shall be added to the prescribed period; provided further that



1 the program is not required to mail the served document by  
2 certified or registered mail.

3 (c) The program shall maintain records of any served  
4 documents.

5 § -9 Address use by state agencies; waiver request. (a)

6 The program participant shall be responsible for requesting that  
7 a state agency use the participant's substitute address for all  
8 purposes for which the agency requires or requests a  
9 residential, work, or school address.

10 (b) When a program participant submits a current and valid  
11 address confidentiality program authorization card to an agency,  
12 the agency shall accept the substitute address on the card as  
13 the program participant's actual address to be used when  
14 creating a new public record; provided that:

15 (1) The agency shall adopt procedures to prevent any  
16 disclosure of the program participant's mailing  
17 address, actual address, and telephone numbers that may  
18 be on file with the agency;

19 (2) Election officials shall use a program participant's  
20 actual address for purposes of determining residency  
21 pursuant to section 11-13; provided that the



1 substitute address shall be used for all other  
2 purposes and the program participant's name, mailing  
3 address, actual address, or telephone number shall not  
4 be published in any list or register;

5 (3) The department of education shall use a program  
6 participant's actual address for school admission or  
7 assignment and the substitute address for student  
8 records;

9 (4) For tax purposes, the substitute address shall be used  
10 solely as a mailing address or for purposes of public  
11 records and shall not be used for the assessment of  
12 any taxes or for any representation that the program  
13 participant resides at the substitute address;

14 (5) Law enforcement may require the program participant to  
15 provide an actual address for a legitimate law  
16 enforcement purpose; provided that the actual address  
17 shall remain confidential and used solely for the  
18 legitimate law enforcement purpose; and

19 (6) The department of human services may require the  
20 program participant to provide an actual address if  
21 the actual address is necessary for the department of





1 human services to perform its functions; provided that  
2 the substitute address shall be used as a mailing  
3 address and the actual address shall remain  
4 confidential.

5 (c) A state agency may submit a request for a waiver from  
6 the program by submitting a waiver request to the program  
7 director who shall notify the agency of the waiver acceptance or  
8 denial and provide the agency with the reasons for acceptance or  
9 denial of the request. The waiver request shall be in writing,  
10 in a form designated by the program director, and include:

11 (1) A statement of how participation in the program  
12 restricts the agency's ability to satisfy the agency's  
13 obligations;

14 (2) A statement that upon acceptance of the waiver, the  
15 agency shall only use the participant's actual address  
16 for the purposes stated in the waiver request; and

17 (3) A copy of the agency's policies and procedures  
18 regarding the use and confidentiality of an actual  
19 address.

20 § -10 Disclosure of actual address prohibited; penalty.

21 (a) Disclosure by the program of a program participant's actual



1 address shall be prohibited unless required by chapter 92F.  
2 There shall be a presumption that the disclosure of any record  
3 of the program will constitute an unwarranted invasion of  
4 personal privacy and any applicant or program participant has  
5 a significant privacy interest in any information provided to  
6 the program.

7 (b) No court shall order the disclosure of a program  
8 participant's actual address unless:

9 (1) Provided by section 92F-15; or

10 (2) The court finds by clear and convincing evidence that:

11 (A) The disclosure of the actual address is necessary  
12 for a legitimate purpose;

13 (B) The use of the substitute address would unduly  
14 frustrate the legitimate purpose; and

15 (C) Taking into consideration the safety of the  
16 program participant, there is no reasonable  
17 alternative to disclosure of the actual address.

18 The court shall enter written findings and any  
19 conditions on the disclosure of the actual address  
20 that are necessary to reasonably protect the safety  
21 and privacy of the program participant.



1 (c) Any court order requiring the disclosure of a program  
2 participant's actual address shall be stayed for ten days after  
3 written legal notice is provided to the program participant.

4 (d) No employee, volunteer, or any person with access to  
5 the records of the program or the records of any agency who has  
6 received a request from the program participant to use a  
7 substitute address, shall knowingly disclose any address or  
8 telephone number of a program participant other than the  
9 substitute address.

10 (e) Any person who violates section -10(d) shall be  
11 guilty of a misdemeanor.

12 § -11 Prohibitions; penalty. (a) No applicant or  
13 program participant shall falsely attest that disclosure of the  
14 applicant's or program participant's actual address will  
15 endanger the applicant's or program participant's safety or  
16 knowingly provide false information on an initial application or  
17 an application for renewal.

18 (b) An applicant or program participant that violates this  
19 section shall be fined not more than \$500.

20 § -12 Indemnification. Nothing in this chapter shall be  
21 construed to create a cause of action against the State, the



1 counties, or any of their employees, agencies, officials, or  
2 volunteers except as set forth in sections -10 and -11.

3 § -13 Rulemaking authority. The program director shall  
4 adopt rules pursuant to chapter 91 as necessary to carry out the  
5 provisions of this chapter."

6 SECTION 4. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$362,600 or so much  
8 thereof as may be necessary for fiscal year 2016-2017 for the  
9 implementation and operation of the address confidentiality  
10 program.

11 The sum appropriated shall be expended by the department of  
12 for the purposes of this Act.

13 SECTION 5. This Act shall take effect on July 1, 2060;  
14 provided that section 4 shall take effect on July 1, 2016.



**Report Title:**

Address Confidentiality Program; Domestic Violence; Sexual  
Offense; Stalking; Appropriation

**Description:**

Establishes the address confidentiality program to help  
survivors of domestic violence, sexual assault, and stalking to  
relocate and keep their addresses confidential. Appropriates  
funds. (HB1900 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

