
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 an agency or instrumentality of the State or
17 any of its political subdivisions.

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

20 "Application assistant" means a current employee or volunteer
21 serving a victim services organization who is certified by the



1 program pursuant to this chapter to assist individuals with
2 applications to participate in the program; provided that an
3 applicant assistant shall not be an employee of the program.

4 "Department" means the department of the attorney general.

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

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

8 "Program participant" or "participant" means an individual
9 accepted into the address confidentiality program.

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

15 "Sexual offense" means an act described in section 707-730,
16 707-731, 707-732, 707-733, 707-733.6, 707-734, 707-741, 707-750,
17 707-752 707-756, 707-757, or 707-759.

18 "Stalking" means any act described in sections 711-1106.4 and
19 711-1106.5.



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-witness assistance units established in
12 section 28-111.

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

14 There is established the address confidentiality program in the
15 department of the attorney general to protect the
16 confidentiality of the actual address of a victim of domestic
17 violence, a sexual offense, or stalking and to prevent the
18 victim's assailants or potential assailants from finding the
19 victim through public 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 service of all legal process in the State.
- 13 (b) The program shall consist of a program director and
14 other personnel necessary for the efficient functioning of the
15 program. The program director and personnel shall be appointed
16 without regard to chapter 76, but shall be subject to chapter 89.
- 17 (c) The program director shall designate applicant
18 assistants to assist applicants with the application process and
19 assist in the certification of the applicant; provided that any
20 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 an application assistant:

5 (1) An adult individual;

6 (2) A parent or guardian acting on behalf of a minor who
7 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) Date and 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 and shall be assisted by an application assistant.

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 secondary applicant's
7 application is true;
- 8 (12) An applicant assistant's statement that the applicant
9 assistant has met with and discussed the application
10 with the secondary applicant and the program
11 participant and the applicant assistant recommends
12 that the secondary applicant be assigned a substitute
13 address; and
- 14 (13) Date and signature of the secondary applicant, program
15 participant, and applicant assistant.
- 16 (c) Upon the determination that an application has been
17 properly completed, the program director may certify the
18 secondary applicant as a secondary program participant and issue
19 the secondary program participant an address confidentiality
20 program authorization card that shall include the program
21 participant's substitute address and remain valid for the same



1 period of time as the program participant's certification;
2 provided that the certification may be canceled pursuant to
3 section -6 or if the program participant's certification is
4 canceled for any reason.

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

8 (e) This chapter shall apply to the secondary program
9 participant as if the secondary program participant was a program
10 participant.

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

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

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



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



1 (d) In accordance with program policies, any mail returned
2 as undeliverable or any mail that continues to be received by
3 the program following a certification cancellation may be
4 returned to the sender or destroyed sixty days after the
5 certification cancellation date.

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

11 (b) The department shall adopt rules pursuant to chapter
12 91 to implement this section; provided that the appeal process
13 shall not include a hearing and the department's final
14 determination shall not be subject to judicial review.

15 **§ -8 Service of process.** (a) The service of process
16 upon an agent of the program shall constitute service upon the
17 program participant.

18 (b) Upon the receipt of service, the program shall forward
19 the served document to the program participant within three
20 calendar days of receipt; provided that if there is a legal
21 requirement to act within a prescribed period of ten days or



1 less after the service of process, notice, or demand, five days
2 shall be added to the prescribed period; provided further that
3 the program is not required to mail the served document by
4 certified or registered mail.

5 (c) The program shall maintain records of any served
6 documents.

7 **§ -9 Address use by state agencies; waiver request. (a)**

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

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

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



- 1 (2) Election officials shall use a program participant's
2 actual address for purposes of determining residency
3 pursuant to section 11-13; provided that the
4 substitute address shall be used for all other
5 purposes and the program participant's name, mailing
6 address, actual address, or telephone number shall not
7 be published in any list or register;
- 8 (3) The department of education shall use a program
9 participant's actual address for school admission or
10 assignment and the substitute address for student
11 records;
- 12 (4) For tax purposes, the substitute address shall be used
13 solely as a mailing address or for purposes of public
14 records and shall not be used for the assessment of
15 any taxes or for any representation that the program
16 participant resides at the substitute address;
- 17 (5) Law enforcement may require the program participant to
18 provide an actual address for a legitimate law
19 enforcement purpose; provided that the actual address
20 shall remain confidential and used solely for the
21 legitimate law enforcement purpose; and



1 (6) The department of human services may require the
2 program participant to provide an actual address if
3 the actual address is necessary for the department of
4 human services to perform its functions; provided that
5 the substitute address shall be used as a mailing
6 address and the actual address shall remain
7 confidential.

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

14 (1) A statement of how participation in the program
15 restricts the agency's ability to satisfy the agency's
16 obligations;

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



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

4 **§ -10 Disclosure of actual address prohibited; penalty.**

5 (a) Disclosure by the program of a program participant's
6 actual address shall be prohibited unless required by order of
7 a court. There shall be a presumption that the disclosure of
8 any record of the program constitutes an unwarranted invasion
9 of privacy and any applicant or program participant has a
10 significant privacy interest in any information provided to
11 the program.

12 (b) No court shall order the disclosure of a program
13 participant's actual address unless the court finds by clear
14 and convincing evidence that:

15 (1) The disclosure of the actual address is necessary for
16 a legitimate purpose;

17 (2) The use of the substitute address would unduly
18 frustrate the legitimate purpose; and

19 (3) Taking into consideration the safety of the program
20 participant, there is no reasonable alternative to
21 disclosure of the actual address.



1 The court shall enter written findings and any conditions on the
2 disclosure of the actual address that are necessary to
3 reasonably protect the safety and privacy of the program
4 participant.

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

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

14 (e) Any person who violates subsection (d) shall be guilty
15 of a misdemeanor.

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



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

3 § -12 **Indemnification.** Nothing in this chapter shall be
4 construed to create a cause of action against the State, the
5 counties, or any of their employees, agencies, officials, or
6 volunteers except as set forth in section -10.

7 § -13 **Rulemaking authority.** The attorney general shall
8 adopt rules pursuant to chapter 91 as necessary to carry out the
9 provisions of this chapter."

10 SECTION 4. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so much
12 thereof as may be necessary for fiscal year 2016-2017 for the
13 implementation and operation of the address confidentiality
14 program.

15 The sum appropriated shall be expended by the department of
16 the attorney general for the purposes of this Act.

17 SECTION 5. This Act shall take effect on July 1, 2017;
18 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. (SB2318 HD1)

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

