
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.

17 The purpose of this Act is to establish an address
18 confidentiality program to help survivors of domestic violence,



1 sexual offenses, or stalking relocate and keep their actual
2 addresses confidential.

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

6 "CHAPTER

7 ADDRESS CONFIDENTIALITY PROGRAM

8 § -1 Definitions. As used in this chapter:

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

12 "Address confidentiality program" or "program" means the
13 program established by section -2.

14 "Agency" means an agency or instrumentality of the State or
15 any of its political subdivisions.

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

18 "Application assistant" means a current employee or volunteer
19 serving a victim services organization who is certified by the
20 program pursuant to this chapter to assist individuals with



1 applications to participate in the program; provided that an
2 applicant assistant shall not be an employee of the program.

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

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

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

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

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

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

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

19 "Substitute address" means an address that is used instead
20 of an actual address and assigned to a participant under the
21 address confidentiality program.



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

10 § -2 Address confidentiality program; established. (a)

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

- 17 (1) Assign a substitute address to the program participant
18 that shall be used by agencies;
- 19 (2) Receive first-class, certified, or registered mail
20 sent to a program participant at the substitute
21 address and forward the mail to the program



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

8 (3) Act as the agent of the program participant for
 9 purposes of service of all legal process in the State.

10 (b) The program shall consist of a program director and
 11 other personnel necessary for the efficient functioning of the
 12 program. The program director and personnel shall be appointed
 13 without regard to chapter 76, but shall be subject to chapter 89.

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

18 § -3 Filing and certification of applicants;

19 authorization card. (a) The following individuals may apply to
 20 participate in the address confidentiality program and shall be
 21 assisted by an application assistant:



- 1 (1) An adult individual;
- 2 (2) A parent or guardian acting on behalf of a minor who
- 3 resides with the parent or guardian; or
- 4 (3) A guardian acting on behalf of an incapacitated
- 5 individual.
- 6 (b) The application shall be as prescribed by the program
- 7 director and shall contain the following:
- 8 (1) The applicant's name;
- 9 (2) A statement by the applicant that the applicant or the
- 10 person for whom the applicant is applying is a victim
- 11 of domestic violence, a sexual offense, or stalking
- 12 and that the applicant fears for the applicant's
- 13 safety;
- 14 (3) Evidence that the applicant or the person for whom the
- 15 applicant is applying is a victim of domestic
- 16 violence, a sexual offense, or stalking, including any
- 17 of the following:
- 18 (A) Records or files of a court or government agency
- 19 including but not limited to police reports,
- 20 valid restraining orders, injunctions against
- 21 harassment, and documents from criminal cases;



- 1 (B) Documentation from a domestic violence program,
2 agency, or facility including but not limited to
3 a women's shelter or safe house;
- 4 (C) Documentation from a sexual assault program; or
- 5 (D) Documentation from a medical professional, mental
6 health provider, or other class of professionals
7 designated by the program director from whom the
8 applicant has sought assistance in dealing with
9 the alleged domestic violence, sexual offense, or
10 stalking;
- 11 (4) A statement by the applicant that disclosure of the
12 applicant's actual address will endanger the
13 applicant's safety or safety of the person for whom the
14 applicant is applying;
- 15 (5) A statement by the applicant or the person for whom
16 the applicant is applying that the applicant has
17 confidentially relocated to an address in the State or
18 will relocate to an address in the State within thirty
19 days of the date of application and will not disclose
20 the location to assailants or potential assailants;



- 1 (6) The applicant's written consent that the program shall
2 serve as the agent for the applicant or the person for
3 whom the applicant is applying for purposes of service
4 of process and receiving mail;
- 5 (7) The mailing address and telephone number where the
6 applicant or the person for whom the applicant is
7 applying may be contacted by the program;
- 8 (8) The actual address of the applicant or the person for
9 whom the applicant is applying;
- 10 (9) The applicant's sworn statement that the information
11 contained in the application is true;
- 12 (10) The application assistant's statement that the
13 application assistant has met with the applicant or the
14 person for whom the applicant is applying and
15 recommends that the applicant be assigned a substitute
16 address; and
- 17 (11) Date and signature of the applicant and the
18 application assistant.
- 19 (c) Upon the determination that an application has been
20 properly completed, the program director may certify the
21 applicant as a program participant and issue the program



1 participant an address confidentiality program authorization
2 card that shall include the participant's substitute address and
3 remain valid for a period of time set forth by the program
4 director; provided that the certification may be canceled
5 pursuant to section -6.

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

10 § -4 Filing and certification of secondary applicants;

11 authorization card. (a) The parent, spouse, domestic partner,
12 child, or legal dependent of a program participant who resides at
13 the same actual address as the program participant and whose
14 participation in the program is necessary for the safety of the
15 program participant may apply to the program as a secondary
16 applicant and shall be assisted by an application assistant.

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

19 (1) The name of the secondary applicant;

20 (2) The actual address of the secondary applicant;

21 (3) The name of the program participant;



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



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



1 (d) The secondary program participant shall submit an
2 application to renew certification at the same time as the
3 program participant.

4 (e) This chapter shall apply to the secondary program
5 participant as if the secondary program participant was a program
6 participant.

7 § -5 Change of name, address, or telephone number. (a)
8 Within thirty days of a legal name change, a program participant
9 shall provide the program with a certified copy of a judgment,
10 order, or any other documentation the program director deems to
11 be sufficient evidence of the name change.

12 (b) Within ten days of a change in actual address or
13 telephone number, a program participant shall notify the program
14 of the change.

15 § -6 Certification cancellation. (a) A program
16 participant's certification shall be canceled if:

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

19 (2) The program participant fails to notify the program of
20 a change in the program participant's legal name,
21 mailing address, actual address, or telephone number;



- 1 (3) The program participant knowingly submitted false
2 information on the program application;
- 3 (4) Mail forwarded by the program to the program
4 participant is returned as undeliverable;
- 5 (5) A renewal application pursuant to section -3(d) is
6 not received or approved by the program; or
- 7 (6) The program participant's mailing or actual address is
8 not located in the State.

9 (b) The program director shall send to the program
10 participant a notice of cancellation that includes the reasons
11 for cancellation.

12 (c) An individual who ceases to be a program participant
13 shall be responsible for notifying persons who use the
14 substitute address that the substitute address is no longer
15 valid.

16 (d) Any mail returned as undeliverable or any mail that
17 continues to be received by the program following a
18 certification cancellation shall be destroyed sixty days after
19 the certification cancellation date.

20 § -7 Appeal. (a) Within thirty days of the date of the
21 notice of denial of an application or of certification



1 cancellation, an applicant or program participant may submit a
2 written appeal to the department; provided that the appeal shall
3 not be a contested case as defined by chapter 91.

4 (b) The department shall adopt rules pursuant to chapter
5 91 to implement this section; provided that the appeal process
6 shall not include a hearing and the department's final
7 determination shall not be subject to judicial review.

8 §. -8 Service of process. (a) The service of process
9 upon an agent of the program shall constitute service upon the
10 program participant.

11 (b) Upon the receipt of service, the program shall forward
12 the served document to the program participant within three
13 calendar days of receipt; provided that if there is a legal
14 requirement to act within a prescribed period of ten days or
15 less after the service of process, notice, or demand, five days
16 shall be added to the prescribed period; provided further that
17 the program is not required to mail the served document by
18 certified or registered mail.

19 (c) The program shall maintain records of any served
20 documents.



1 § -9 Address use by state agencies; waiver request. (a)

2 The program participant shall be responsible for requesting that
3 an agency use the participant's substitute address for all
4 purposes for which the agency requires or requests a
5 residential, work, or school address.

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

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

15 (2) Election officials shall use a program participant's
16 actual address for purposes of determining residency
17 pursuant to section 11-13; provided that the
18 substitute address shall be used for all other
19 purposes and the program participant's name, mailing
20 address, actual address, or telephone number shall not
21 be published in any list or register;



- 1 (3) The department of education shall use a program
2 participant's actual address for school admission or
3 assignment and the substitute address for student
4 records;
- 5 (4) For tax purposes, the substitute address shall be used
6 solely as a mailing address or for purposes of public
7 records and shall not be used for the assessment of
8 any taxes or for any representation that the program
9 participant resides at the substitute address;
- 10 (5) Law enforcement may require the program participant to
11 provide an actual address for a legitimate law
12 enforcement purpose; provided that the actual address
13 shall remain confidential and used solely for the
14 legitimate law enforcement purpose; and
- 15 (6) The department of human services may require the
16 program participant to provide an actual address if
17 the actual address is necessary for the department of
18 human services to perform its functions; provided that
19 the substitute address shall be used as a mailing
20 address and the actual address shall remain
21 confidential.



1 (c) An agency may submit a request for a waiver from the
2 program by submitting a waiver request to the program director
3 who shall notify the agency of the waiver acceptance or denial
4 and provide the agency with the reasons for acceptance or denial
5 of the request. The waiver request shall be in writing, in a
6 form designated by the program director, and include:

7 (1) A statement of how participation in the program
8 restricts the agency's ability to satisfy the agency's
9 obligations;

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

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

16 **§ -10 Disclosure of actual address prohibited; penalty.**

17 (a) Disclosure by the program of a program participant's
18 actual address shall be prohibited unless required by chapter
19 92F. There shall be a presumption that the disclosure of any
20 record of the program constitutes an unwarranted invasion of
21 privacy and any applicant or program participant has a



1 significant privacy interest in any information provided to
2 the program.

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

5 (1) Required by section 92F-15; or

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

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

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

11 (C) Taking into consideration the safety of the
12 program participant, there is no reasonable
13 alternative to disclosure of the actual address.

14 The court shall enter written findings and any conditions on the
15 disclosure of the actual address that are necessary to
16 reasonably protect the safety and privacy of the program
17 participant.

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



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

7 (e) Any person who violates section (d) shall be guilty of
8 a misdemeanor.

9 § -11 Prohibitions; penalty. (a) No applicant or
10 program participant shall falsely attest that disclosure of the
11 applicant's or program participant's actual address will
12 endanger the applicant's or program participant's safety or
13 knowingly provide false information on an initial application or
14 an application for renewal.

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

17 § -12 Indemnification. Nothing in this chapter shall be
18 construed to create a cause of action against the State, the
19 counties, or any of their employees, agencies, officials, or
20 volunteers except as set forth in sections -10 and -11.



1 § -13 Rulemaking authority. The attorney general shall
2 adopt rules pursuant to chapter 91 as necessary to carry out the
3 provisions of this chapter."

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

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

11 SECTION 5. This Act shall take effect on January 1, 2017;
12 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. Effective 1/1/2017. (SD2)

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

