
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 persons attempting
4 to escape from actual or threatened domestic violence, sexual
5 offenses, or stalking frequently move to a new address to
6 prevent being found by an assailant or potential assailant.
7 However, this new address, is only useful for this purpose if an
8 assailant or potential assailant does not discover it.
9 Therefore, to help victims of domestic violence, sexual
10 offenses, or stalking, it is the intent of the legislature to
11 establish an address confidentiality program, whereby the
12 confidentiality of a victim's address may be maintained through,
13 among other things, the use of a substitute address for purposes
14 of public records and confidential mail forwarding.

15 An address confidentiality program provides victims with a
16 substitute legal address to use in place of their physical
17 address to be used whenever an address is required for public



1 records, such as voter or driver's license registries. Mail is
2 received at the substitute address and forwarded to the victim's
3 true address. State and local government agencies will be able
4 to use program participants' substitute addresses whenever
5 possible and have access to participants' actual addresses, when
6 appropriate, through a mail forwarding system for program
7 participants.

8 The purpose of this Act is to develop an address
9 confidentiality program to assist victims of domestic violence,
10 sexual offenses, or stalking to relocate and keep their
11 relocation addresses confidential.

12 SECTION 3. Chapter 351, Hawaii Revised Statutes, is
13 amended by adding a new part to be appropriately designated and
14 to read as follows:

15 "PART . ADDRESS CONFIDENTIALITY PROGRAM

16 §351-A Definitions. As used in this part:

17 "Actual address" means a residential, work, or school
18 address as specified on an individual's application to be a
19 program participant under this part, and includes the
20 individual's county of residence and voting precinct.



1 "Address confidentiality program" or "program" means the
2 program created under this part to protect the confidentiality
3 of the actual address of a relocated victim of domestic
4 violence, a sexual offense, or stalking.

5 "Applicant" means an individual identified as such in an
6 application received by the program.

7 "Domestic abuse" has the same meaning as defined in section
8 586-1.

9 "Person" means any individual, corporation, limited
10 liability company, partnership, trust, estate, or other
11 association of any state, the United States, or any subdivision
12 thereof.

13 "Program director" means the director of the address
14 confidentiality program.

15 "Program participant" or "participant" means an individual
16 accepted into the address confidentiality program in accordance
17 with this part.

18 "Public record" means all documents, papers, letters, maps,
19 books, photographs, films, sound recordings, magnetic or other
20 tapes, digital data, artifacts, or other documentary material,
21 regardless of physical form or characteristics, made or received



1 pursuant to law or ordinance in connection with the transaction
2 of public business by a state or local government agency.

3 "Sexual offense" means any offense under part V of chapter
4 707.

5 "Stalking" means an act of harassment as described in
6 sections 711-1106, 711-1106.4, and 711-1106.5.

7 "State or local government agency" or "agency" means every
8 elected or appointed state or local public office, public
9 officer, or official; board, commission, bureau, committee,
10 council, department, authority, agency, institution of higher
11 education, or other unit of the executive, legislative, or
12 judicial branch of the state; or any city, county, city and
13 county, town, special district, school district, local
14 improvement district, or any other kind of municipal, quasi-
15 municipal, or public corporation.

16 "Substitute address" means an address designated under the
17 address confidentiality program that is used instead of a
18 program participant's actual address as set forth in this part.

19 "Victim advocate or victim service provider" means any
20 professional who is trained to support victims of crime
21 including domestic violence, sexual offenses, or stalking.



1 §351-B Address confidentiality program; creation;
2 substitute address; application assistance centers. (a) There
3 is created within the crime victim compensation commission the
4 address confidentiality program to keep the actual address of a
5 relocated victim of domestic violence, a sexual offense, or
6 stalking confidential and prevent the victim's assailants or
7 potential assailants from finding the victim through public
8 records. The program shall:

- 9 (1) Designate a substitute address for each program
10 participant that shall be used by state and local
11 government agencies as specified in this part; and
12 (2) Receive mail sent to each program participant at the
13 substitute address and forward the mail to the
14 participant as set forth in subsection (b).

15 (b) The program shall receive first-class, certified, or
16 registered mail on behalf of program participants and shall
17 forward the mail to participants at no charge to the
18 participant. The program may provide for signature on behalf of
19 a participant for purposes of receiving certified or registered
20 mail. The program director or the program director's designee
21 may arrange to receive and forward other classes or kinds of



1 mail at the participant's expense. The program shall not be
2 required to track or otherwise maintain records of any mail
3 except certified or registered mail received on behalf of a
4 participant.

5 (c) Notwithstanding any provision of law to the contrary,
6 service on a program participant by registered mail or certified
7 mail, return receipt requested, addressed to the participant at
8 the participant's substitute address may be effective for any
9 process, notice, or demand required or permitted by law to be
10 served on the program participant. Service is perfected under
11 this subsection when the program participant receives the
12 process, notice, or demand or five days after the date shown on
13 the return receipt if signed on behalf of the program
14 participant, whichever occurs first. Notwithstanding the
15 availability of service under this subsection, service of
16 process, notice, or demand upon a participant in the State may
17 be effected as otherwise provided by law.

18 Whenever the laws of the State provide a program
19 participant a legal right to act within a prescribed period that
20 is ten days or less after the service of process, notice, or
21 demand upon the participant and the process, notice, or demand



1 is served upon the participant by mail pursuant to this
2 subsection or by first-class mail as otherwise authorized by
3 law, five days shall be added to the prescribed period.

4 (d) The program director or designee may designate as an
5 application assistant any person who completes a training and
6 registration process required by the program director.

7 (e) Assistance to an applicant pursuant to this part shall
8 in no way be construed as legal advice.

9 **§351-C Filing and certification of applications;**

10 **authorization card.** (a) Beginning on July 1, 2017, upon the
11 recommendation of a qualifying victim advocate or victim service
12 provider, the following persons may apply to participate in the
13 address confidentiality program:

- 14 (1) An adult individual;
- 15 (2) A parent or guardian acting on behalf of a minor who
16 resides with the parent or guardian; or
- 17 (3) A guardian acting on behalf of an incapacitated
18 individual.

19 (b) A victim advocate or victim service provider shall
20 assist the individual in the preparation of the application.
21 The application shall be dated, signed, and verified by the



1 applicant and shall be signed and dated by the victim advocate
2 or victim service provider who assisted in the preparation of
3 the application. The signature of the victim advocate or victim
4 service provider shall serve as the recommendation of that
5 person that the applicant have an address designated by the
6 program to serve as the substitute address of the applicant. A
7 minor or incapacitated individual on whose behalf a parent or
8 guardian completes an application pursuant to subsection (a)(2)
9 or (3) shall be considered the applicant, but any statements
10 that are required to be made by the applicant shall be made by
11 the parent or guardian acting on behalf of the minor or
12 incapacitated individual.

13 (c) The application shall be on a form prescribed by the
14 program director and shall contain all of the following:

- 15 (1) The applicant's name;
- 16 (2) A statement by the applicant that the applicant is a
17 victim of domestic violence, a sexual offense, or
18 stalking and that the applicant fears for the
19 applicant's safety;



- 1 (3) Evidence that the applicant is a victim of domestic
2 violence, a sexual offense, or stalking, including any
3 of the following:
- 4 (A) Records or files of a law enforcement agency,
5 court, non-profit organization, or other federal,
6 state, or local government agency;
- 7 (B) Documentation from a domestic violence program,
8 agency, or facility, including but not limited to
9 a shelter or safe house; or
- 10 (C) Documentation from a sexual assault program;
- 11 (4) A statement by the applicant that disclosure of the
12 applicant's actual address would endanger the
13 applicant's safety;
- 14 (5) A statement by the applicant that the applicant has
15 confidentially relocated in the past ninety days or
16 will confidentially relocate within the state;
- 17 (6) A designation of the program director or program as an
18 agent for the applicant for purposes of receiving
19 certain mail;
- 20 (7) The mailing address and telephone number where the
21 applicant can be contacted by the program;



- 1 (8) The applicant's actual address;
- 2 (9) A statement as to whether there is any existing court
3 order or court action involving the applicant or an
4 individual identified in paragraph (10) related to
5 dissolution of marriage proceedings, child support, or
6 the allocation of parental responsibilities or
7 parenting time, including the court that issued the
8 order or has jurisdiction over the action;
- 9 (10) The name of any person who resides with the applicant
10 who shall be included as a program participant to
11 ensure the safety of the applicant and, if the person
12 named is eighteen years of age or older, the consent
13 of that person to be a program participant; or
- 14 (11) A sworn statement by the applicant, under the penalty
15 of perjury, that to the best of the applicant's
16 knowledge, the information contained in the
17 application is true.
- 18 (d) Upon determining that an application has been properly
19 completed, the program shall certify the applicant and any
20 person who is identified in subsection (c)(10) as a program
21 participant. Upon certification, the program shall issue to the



1 participant an address confidentiality program authorization
2 card, which shall include the participant's substitute address.
3 The card shall remain valid for as long as the participant
4 remains certified under the program.

5 (e) Program participants shall be certified for four years
6 following the date of certification unless the certification is
7 withdrawn or canceled. A program participant may withdraw the
8 certification by filing a request for withdrawal acknowledged
9 before a notary public with the program. A certification may be
10 renewed by filing a renewal application with the program at
11 least thirty days prior to the expiration of the current
12 certification. The renewal application shall be dated, signed,
13 and verified by the applicant. The renewal application shall
14 contain:

- 15 (1) Any statement or information that is required by
16 subsection (c) that has changed from the most recent
17 prior application or renewal application; and
- 18 (2) A sworn statement by the applicant, under the penalty
19 of perjury, that to the best of the applicant's
20 knowledge, the information contained in the renewal
21 application and all prior applications is true.



1 §351-D Change of name, address, or telephone number. (a)
2 A program participant shall notify the program within thirty
3 days after the participant has obtained a legal name change by
4 providing a certified copy of any judgment or order evidencing
5 the change or any other documentation the program director deems
6 to be sufficient evidence of the name change.

7 (b) A program participant shall notify the program of a
8 change in contact address or telephone number or actual address
9 from those listed on the most recent application or renewal
10 application pursuant to section 351-C(c) (7) and (8) no later
11 than seven days after the change occurs.

12 §351-E Certification cancellation; records. (a) The
13 certification of a program participant shall be canceled under
14 any of the following circumstances:

- 15 (1) The program participant files a request for withdrawal
16 of the certification pursuant to section 351-C(e);
- 17 (2) The program participant fails to notify the program of
18 a change in the participant's name, address, or
19 telephone number as required by section 351-D;
- 20 (3) The program participant or applicant knowingly submits
21 false information in the program application; or



1 (4) Mail forwarded to the program participant by the
2 program is returned as undeliverable.

3 (b) If the program determines that there is one or more
4 grounds for cancelling certification of a program participant
5 pursuant to subsection (a), the program director shall send
6 notice of cancellation to the program participant. Notice of
7 cancellation shall set out the reasons for cancellation. The
8 participant shall have thirty days to appeal the cancellation
9 decision under procedures developed by the program director
10 pursuant to chapter 91.

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

15 **§351-F Address use by state or local government agencies.**

16 (a) The program participant is responsible for requesting that
17 a state or local government agency use the participant's
18 substitute address as the participant's residential, work, or
19 school address for all purposes for which the agency requires or
20 requests the address.



1 (b) Except as otherwise provided in this section or unless
2 the program grants a state or local government agency's request
3 for disclosure pursuant to section 351-H, when a program
4 participant submits a current and valid address confidentiality
5 program authorization card to the agency, the agency shall
6 accept the substitute address on the card as the participant's
7 address to be used as the participant's residential, work, or
8 school address when creating a new public record. The
9 substitute address given to the agency shall be the last known
10 address for the participant used by the agency until such time
11 that the agency receives notification pursuant to section
12 351-E(c). The agency may make a photocopy of the card for the
13 records of the agency and thereafter shall immediately return
14 the card to the program participant.

15 (c) The chief election officer or county clerk shall use
16 the actual address of a program participant for precinct
17 designation and all official election-related purposes and shall
18 keep the participant's actual address confidential. The chief
19 election officer or county clerk shall use the substitute
20 address for all correspondence and mailings placed in the United



1 States mail. The substitute address shall not be used as an
2 address for voter registration.

3 A state or local government agency's access to a program
4 participant's voter registration information shall be governed
5 by the disclosure process set forth in section 351-H.

6 This subsection shall apply only to a program participant
7 who submits a current and valid address confidentiality program
8 authorization card when registering to vote or updating voter
9 registration information.

10 (d) A program participant who completes an application to
11 register to vote at a driver's license examination facility
12 while receiving a driver's license or an identification card
13 shall be required to have the participant's actual address on
14 the driver's license or identification card.

15 (e) The substitute address shall not be used for purposes
16 of listing, appraising, assessing, or collecting property taxes.

17 (f) Whenever a program participant is required by law to
18 swear or affirm to the participant's address, the participant
19 may use the participant's substitute address.

20 (g) The substitute address shall not be used for purposes
21 of assessing any taxes or fees on a motor vehicle or for titling



1 or registering a motor vehicle. Notwithstanding any law to the
2 contrary, any record that includes a program participant's
3 actual address pursuant to this subsection shall be confidential
4 and not available for inspection by anyone other than the
5 program participant.

6 (h) The substitute address shall not be used on any
7 document related to real property recorded with a county clerk
8 and recorder.

9 (i) A school district shall accept the substitute address
10 as the address of record and shall verify student enrollment
11 eligibility through the program. The program shall facilitate
12 the transfer of student records from one school to another.

13 (j) Except as otherwise provided in this section, a
14 program participant's actual address and telephone number
15 maintained by a state or local government agency or disclosed
16 pursuant to section 351-H is not a public record that is subject
17 to inspection.

18 This subsection shall not apply to:

19 (1) Any public record created more than ninety days prior
20 to the date that the program participant applied to be
21 certified in the program; or



1 (2) Any public record for which a program participant
2 voluntarily requests that a state or local government
3 agency use the participant's actual address or
4 voluntarily provides the actual address.

5 (k) For any public record created within ninety days prior
6 to the date that a program participant applied to be certified
7 in the program, a state or local government agency shall redact
8 the actual address or change the actual address to the
9 substitute address upon request by the participant and
10 presentation of a current and valid program authorization card.

11 §351-G Disclosure of actual address prohibited. (a) The
12 program is prohibited from disclosing any address or telephone
13 number of a program participant other than the substitute
14 address except under the following circumstances:

15 (1) The information is required by a court order; provided
16 that any person to whom a program participant's
17 address or telephone number has been disclosed shall
18 not disclose the address or telephone number to any
19 other person unless ordered or permitted to do so by
20 the court;



1 (2) An agency request granted pursuant to section 351-H;
2 or

3 (3) The program participant is required to disclose the
4 participant's actual address as part of a registration
5 required by chapter 846E.

6 The program shall provide immediate notification of
7 disclosure to a program participant when disclosure is made
8 pursuant to paragraph (1) or (2).

9 (b) If, at the time of certification as a program
10 participant under section 351-C, an applicant or an individual
11 designated in section 351-C(c)(10) is involved in a judicial
12 proceeding or is subject to a court order related to dissolution
13 of marriage proceedings, child support, or the allocation of
14 parental responsibilities or parenting time, the program shall
15 notify the court that has jurisdiction over the proceeding or
16 issued the order of the program participant's certification in
17 the address confidentiality program and the substitute address.

18 (c) No person shall knowingly and intentionally obtain a
19 program participant's actual address or telephone number from
20 the program or any agency if the person is not authorized to
21 obtain the information.



1 (d) No personnel of the program or of any agency shall
2 knowingly and intentionally disclose a program participant's
3 actual address or telephone number unless the disclosure is
4 required by or permissible by law. This subsection shall only
5 apply to a participant's actual address or telephone number
6 obtained during the course of official duties and for which, at
7 the time of disclosure, the person has specific knowledge that
8 the actual address or telephone number disclosed belongs to a
9 participant.

10 (e) Any person who knowingly and intentionally obtains or
11 discloses information in violation of this section shall be
12 guilty of a misdemeanor.

13 §351-H Request for disclosure. (a) A state or local
14 government agency requesting disclosure of a program
15 participant's actual address pursuant to this section shall make
16 a request in writing to the program on agency letterhead and
17 shall provide the following information:

- 18 (1) The name of the program participant whose actual
19 address the agency seeks;
- 20 (2) A statement, with explanation, setting forth the
21 reason or reasons that the agency needs the program



1 participant's actual address and a statement that the
2 agency cannot meet its statutory or administrative
3 obligations without disclosure of the participant's
4 actual address;

5 (3) A particular statement of facts showing that other
6 methods to locate the program participant or the
7 participant's actual address have been tried and have
8 failed or that the methods reasonably appear to be
9 unlikely to succeed;

10 (4) A statement that the agency has adopted a procedure
11 setting forth the steps the agency will take to
12 protect the confidentiality of the program
13 participant's actual address; and

14 (5) Any other information that the program may reasonably
15 request in order to identify the program participant
16 in the program's records.

17 (b) The program shall provide the program participant with
18 notice of any request for disclosure received pursuant to this
19 section, and, to the extent possible, the participant shall be
20 afforded an opportunity to be heard regarding the request.



1 Except as otherwise provided, the program shall provide the
2 program participant with written notification whenever a request
3 for a disclosure has been granted or denied pursuant to this
4 section.

5 No notice or opportunity to be heard shall be given to the
6 program participant when the request for disclosure is made by a
7 state or local law enforcement agency conducting a criminal
8 investigation involving alleged criminal conduct by the
9 participant or when providing notice to the participant would
10 jeopardize an ongoing criminal investigation or the safety of
11 law enforcement personnel.

12 (c) The program shall promptly conduct a review of all
13 requests received pursuant to this section. In conducting a
14 review, the program shall consider all information received
15 pursuant to subsections (a) and (b) and any other appropriate
16 information that the program may require.

17 (d) The program shall grant a state or local government
18 agency's request for disclosure and disclose a program
19 participant's actual address pursuant to this section if:

20 (1) The agency has a bona fide statutory or administrative
21 need for the actual address;



- 1 (2) The actual address will only be used for the purpose
2 stated in the request;
- 3 (3) Other methods to locate the program participant or the
4 participant's actual address have been tried and have
5 failed or such methods reasonably appear to be
6 unlikely to succeed; and
- 7 (4) The agency has adopted a procedure for protecting the
8 confidentiality of the actual address of the program
9 participant.
- 10 (e) Upon granting a request for disclosure pursuant to
11 this section, the program shall provide the state or local
12 government agency with:
- 13 (1) The program participant's actual address;
- 14 (2) A statement setting forth the permitted use of the
15 actual address and the names or classes of persons
16 permitted to have access to and use of the actual
17 address;
- 18 (3) A statement that the agency is required to limit
19 access to and use of the actual address to the
20 permitted use and persons set forth in the disclosure;
21 and



1 (4) The date on which the permitted use expires, if
2 expiration is appropriate, after which the agency may
3 no longer maintain, use, or have access to the actual
4 address.

5 (f) A state or local government agency whose request is
6 granted pursuant to this section shall:

7 (1) Limit the use of the program participant's actual
8 address to the purposes set forth in the disclosure;

9 (2) Limit the access to the program participant's actual
10 address to the persons or classes of persons set forth
11 in the disclosure;

12 (3) Cease to use and dispose of the program participant's
13 actual address upon the expiration of the permitted
14 use, if applicable; and

15 (4) Except as otherwise set forth in the disclosure,
16 maintain the confidentiality of a program
17 participant's actual address.

18 (g) Upon denial of a state or local government agency's
19 request for disclosure, the program shall provide prompt written
20 notification to the agency stating that the agency's request has



1 been denied and setting forth the specific reasons for the
2 denial.

3 (h) A state or local government agency may file written
4 exceptions with the program no more than fifteen days after
5 written notification of denial is provided pursuant to
6 subsection (g). The exceptions shall restate the information
7 contained in the request for disclosure, state the grounds upon
8 which the agency asserts that the request for disclosure should
9 be granted, and specifically respond to the specific reasons for
10 denial.

11 (i) Unless the state or local government agency filing
12 exceptions agrees otherwise, the program shall make a final
13 determination regarding the exceptions within thirty days after
14 the filing of exceptions pursuant to subsection (h). Prior to
15 making a final determination regarding the exceptions, the
16 program may request additional information from the agency or
17 the program participant and conduct a hearing. If the final
18 determination of the program director or the program director's
19 designee is that the denial of the agency's request for
20 disclosure was properly denied, the program shall provide the
21 agency with written notification of this final determination



1 stating that the agency's request has again been denied and
2 setting forth the specific reasons for the denial. If the final
3 determination is that the agency's request for disclosure was
4 improper, the program shall grant the agency's request for
5 disclosure in accordance with this section. The final
6 determination of the program director or program director's
7 designee shall constitute final agency action subject to review
8 pursuant to chapter 91.

9 (j) The record before any judicial review of a final
10 agency action pursuant to subsection (i) shall consist of the
11 state or local government agency's request for disclosure, the
12 program's written response, the agency's exceptions, the hearing
13 transcript, if any, and the program director's or program
14 director's designee's final determination.

15 (k) During any period of review, evaluation, or appeal,
16 the agency shall, to the extent possible, accept and use the
17 program participant's substitute address.

18 (l) Notwithstanding any other provision of this section,
19 the program shall establish an expedited process for disclosure
20 to be used by a criminal justice official or agency for
21 situations where disclosure is required pursuant to a criminal



1 trial, hearing, proceeding, or investigation involving a program
2 participant. An official or agency receiving information
3 pursuant to this subsection shall certify to the program that
4 the official or agency has a system in place to protect the
5 confidentiality of a participant's actual address from the
6 public and from personnel who are not involved in the trial,
7 hearing, proceeding, or investigation.

8 (m) Nothing in this section shall be construed to prevent
9 the program from granting a request for disclosure to a state or
10 local government agency received pursuant to this section upon
11 receipt of the program participant's written consent to do so.

12 **§351-I Nondisclosure of address in criminal and civil**
13 **proceedings.** No person shall be compelled to disclose a program
14 participant's actual address during the discovery phase of or
15 during a proceeding before a court unless the court finds, based
16 upon a preponderance of the evidence, that the disclosure is
17 required in the interests of justice. A court may seal the
18 portion of any record that contains a program participant's
19 actual address. Nothing in this section shall prevent a state or
20 local government agency, in its discretion, from using a program
21 participant's actual address in any document or record filed



1 with a court if, at the time of filing, the document or record
2 is not a public record.

3 **§351-J Participation in the program; orders relating to**
4 **allocation of parental responsibilities or parenting time. (a)**
5 Nothing in this part, nor the fact of a person's participation
6 in the program, shall affect an order relating to the allocation
7 of parental responsibilities or parenting time in effect prior
8 to or during program participation.

9 (b) Program participation, by itself, shall not constitute
10 evidence of domestic violence, a sexual offense, or stalking and
11 shall not be considered for purposes of a court order allocating
12 parental responsibilities or parenting time; provided that that
13 a court may consider practical measures to keep a program
14 participant's actual address confidential when issuing an order
15 allocating parental responsibilities or parenting time.

16 **§351-K Rulemaking authority.** The commission shall adopt
17 rules pursuant to chapter 91 as necessary to carry out the
18 provisions of this part.

19 **§351-L Surcharge; collection and distribution; address**
20 **confidentiality program surcharge fund; definitions. (a) On**
21 and after July 1, 2015, each person who is convicted of the



1 crimes set forth in subsection (b) of this section shall be
2 required to pay a surcharge of \$28 to the clerk of the court for
3 the judicial district in which the conviction occurs.

4 (b) The following crimes shall be subject to the surcharge
5 set forth in subsection (a) of this section:

6 (1) Stalking;

7 (2) A crime, the underlying factual basis of which has
8 been found by the court on the record to include an
9 act of domestic violence;

10 (3) Sexual offenses; or

11 (4) Criminal attempt, conspiracy, or solicitation to
12 commit the crimes set forth in paragraphs (1), (2),
13 and (3).

14 (c) The clerk of the court shall allocate the surcharge
15 required by this section as follows:

16 (1) Five per cent shall be retained by the clerk of the
17 court for administrative costs incurred pursuant to
18 this section. Such amount retained shall be
19 transmitted to the state treasurer for deposit in the
20 crime victim compensation special fund; and



1 (2) Ninety-five per cent shall be transferred to the state
2 treasury to be credited to the address confidentiality
3 program surcharge fund established pursuant to
4 subsection (d).

5 (d) There is created in the state treasury the address
6 confidentiality program surcharge fund, which shall consist of
7 moneys received pursuant to this section, any gifts, grants, or
8 donations received by the program for the fund pursuant to
9 subsection (f) of this section. The moneys in the fund shall be
10 subject to annual appropriation for the purpose of paying for
11 the administration costs incurred by the program. All interest
12 derived from the deposit and investment of moneys in the fund
13 shall be credited to the fund. Any moneys not appropriated
14 shall remain in the fund and shall not be transferred or revert
15 to the general fund at the end of any fiscal year.

16 (e) The court may waive all or any portion of the
17 surcharge required by this section if the court finds that a
18 person subject to the surcharge is indigent or financially
19 unable to pay all or any portion of the surcharge. The court
20 may waive only that portion of the surcharge that the court
21 finds that the person is financially unable to pay.



1 (f) The program is authorized to seek, accept, and expend
2 gifts, grants, and donations from private or public sources for
3 the implementation of the program. All private and public funds
4 received through gifts, grants, and donations shall be
5 transmitted to the state treasury to be credited to the fund.

6 (g) As used in this section, "convicted" and "conviction"
7 mean a plea of guilty accepted by the court, including a plea of
8 guilty entered pursuant to a deferred sentence, a verdict of
9 guilty by a judge or jury, or a plea of no contest accepted by
10 the court."

11 SECTION 4. The crime victim compensation program shall
12 submit to the legislature a report on the development of the
13 address confidentiality program, including any relevant
14 information and proposed legislation to improve the
15 implementation of the program. This report shall be submitted
16 no later than twenty days prior to the convening of the Regular
17 Session of 2016.

18 SECTION 5. In codifying the new sections added by section
19 3 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



1 SECTION 6. This Act shall take effect on January 7, 2059.



Report Title:

Address Confidentiality Program; Address Confidentiality Program
Surcharge Fund; Crime Victim Compensation Commission

Description:

Establishes the address confidentiality program to help victims
of domestic violence and sexual assault relocate and keep their
addresses confidential. Creates the Address Confidentiality
Program Surcharge Fund. Requires the Crime Victim Compensation
Commission to report back to the Legislature. (SB384 HD1)

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

