

---

---

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



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

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

11 SECTION 2. Chapter 351, Hawaii Revised Statutes, is  
12 amended by adding a new part to be appropriately designated and  
13 to read as follows:

14 **"PART . ADDRESS CONFIDENTIALITY PROGRAM**

15 **§351-A Definitions.** As used in this part:

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

20 "Address confidentiality program" or "program" means the  
21 program created under this part to protect the confidentiality



1 of the actual address of a relocated victim of domestic  
2 violence, a sexual offense, or stalking.

3 "Applicant" means an individual identified as such in an  
4 application received by the program.

5 "Domestic violence" means an act described in section 586-  
6 1.

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

11 "Program director" means the director of the address  
12 confidentiality program.

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

16 "Public record" means all documents, papers, letters, maps,  
17 books, photographs, films, sound recordings, magnetic or other  
18 tapes, digital data, artifacts, or other documentary material,  
19 regardless of physical form or characteristics, made or received  
20 pursuant to law or ordinance in connection with the transaction  
21 of public business by a state or local government agency.



1 "Sexual offense" means any offense under part V of chapter  
2 707.

3 "Stalking" means an act of harassment as described in  
4 section 711-1106.

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

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

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

20 **§351-B Address confidentiality program; creation;**  
21 **substitute address; application assistance centers. (a) There**



1 is created within the crime victim compensation commission the  
2 address confidentiality program to keep the actual address of a  
3 relocated victim of domestic violence, a sexual offense, or  
4 stalking confidential and prevent the victim's assailants or  
5 potential assailants from finding the victim through public  
6 records. The program shall:

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

13 (b) The program shall receive first-class, certified, or  
14 registered mail on behalf of program participants and shall  
15 forward the mail to participants at no charge to the  
16 participant. The program may provide for signature on behalf of  
17 a participant for purposes of receiving certified or registered  
18 mail. The program director or the program director's designee  
19 may arrange to receive and forward other classes or kinds of  
20 mail at the participant's expense. The program shall not be  
21 required to track or otherwise maintain records of any mail



1 except certified or registered mail received on behalf of a  
2 participant.

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

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



1 subsection or by first-class mail as otherwise authorized by  
2 law, five days shall be added to the prescribed period.

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

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

8 **§351-C Filing and certification of applications;**

9 **authorization card.** (a) Beginning on July 1, 2015, upon the  
10 recommendation of a qualifying victim advocate or victim service  
11 provider, the following persons may apply to participate in the  
12 address confidentiality program:

13 (1) An adult individual;

14 (2) A parent or guardian acting on behalf of a minor who  
15 resides with the parent or guardian; or

16 (3) A guardian acting on behalf of an incapacitated  
17 individual.

18 (b) A victim advocate or victim service provider shall  
19 assist the individual in the preparation of the application.

20 The application shall be dated, signed, and verified by the  
21 applicant and shall be signed and dated by the victim advocate



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

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

14 (1) The applicant's name;

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

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



1 individual identified in paragraph (10) related to  
2 dissolution of marriage proceedings, child support, or  
3 the allocation of parental responsibilities or  
4 parenting time, including the court that issued the  
5 order or has jurisdiction over the action;

6 (10) The name of any person who resides with the applicant  
7 who shall be included as a program participant to  
8 ensure the safety of the applicant and, if the person  
9 named is eighteen years of age or older, the consent  
10 of that person to be a program participant; or

11 (11) A sworn statement by the applicant, under the penalty  
12 of perjury, that to the best of the applicant's  
13 knowledge, the information contained in the  
14 application is true.

15 (d) Upon determining that an application has been properly  
16 completed, the program shall certify the applicant and any  
17 person who is identified in subsection (c)(10) as a program  
18 participant. Upon certification, the program shall issue to the  
19 participant an address confidentiality program authorization  
20 card, which shall include the participant's substitute address.



1 The card shall remain valid for as long as the participant  
2 remains certified under the program.

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

13 (1) Any statement or information that is required by  
14 subsection (c) that has changed from the most recent  
15 prior application or renewal application; and

16 (2) A sworn statement by the applicant, under the penalty  
17 of perjury, that to the best of the applicant's  
18 knowledge, the information contained in the renewal  
19 application and all prior applications is true.

20 **§351-D Change of name, address, or telephone number.** (a)

21 A program participant shall notify the program within thirty



1 days after the participant has obtained a legal name change by  
2 providing a certified copy of any judgment or order evidencing  
3 the change or any other documentation the program director deems  
4 to be sufficient evidence of the name change.

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

10 **§351-E Certification cancellation; records.** (a) The  
11 certification of a program participant shall be canceled under  
12 any of the following circumstances:

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



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

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

13 **§351-F Address use by state or local government agencies.**

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

19 (b) Except as otherwise provided in this section or unless  
20 the program grants a state or local government agency's request  
21 for disclosure pursuant to section 351-H, when a program



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

12 (c) The chief election officer or county clerk shall use  
13 the actual address of a program participant for precinct  
14 designation and all official election-related purposes and shall  
15 keep the participant's actual address confidential. The chief  
16 election officer or county clerk shall use the substitute  
17 address for all correspondence and mailings placed in the United  
18 States mail. The substitute address shall not be used as an  
19 address for voter registration.



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

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

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

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

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

18 (g) The substitute address shall not be used for purposes  
19 of assessing any taxes or fees on a motor vehicle or for titling  
20 or registering a motor vehicle. Notwithstanding any law to the  
21 contrary, any record that includes a program participant's



1 actual address pursuant to this subsection shall be confidential  
2 and not available for inspection by anyone other than the  
3 program participant.

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

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

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

16 This subsection shall not apply to:

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

20 (2) Any public record for which a program participant  
21 voluntarily requests that a state or local government





1           agency use the participant's actual address or  
2           voluntarily provides the actual address.

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

9           **§351-G Disclosure of actual address prohibited.** (a) The  
10 program is prohibited from disclosing any address or telephone  
11 number of a program participant other than the substitute  
12 address except under the following circumstances:

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

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



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

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

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

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

20 (d) No personnel of the program or of any agency shall  
21 knowingly and intentionally disclose a program participant's



1 actual address or telephone number unless the disclosure is  
2 required by or permissible by law. This subsection shall only  
3 apply to a participant's actual address or telephone number  
4 obtained during the course of official duties and for which, at  
5 the time of disclosure, the person has specific knowledge that  
6 the actual address or telephone number disclosed belongs to a  
7 participant.

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

11 **§351-H Request for disclosure.** (a) A state or local  
12 government agency requesting disclosure of a program  
13 participant's actual address pursuant to this section shall make  
14 a request in writing to the program on agency letterhead and  
15 shall provide the following information:

16 (1) The name of the program participant whose actual  
17 address the agency seeks;

18 (2) A statement, with explanation, setting forth the  
19 reason or reasons that the agency needs the program  
20 participant's actual address and a statement that the  
21 agency cannot meet its statutory or administrative



1 obligations without disclosure of the participant's  
2 actual address;

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

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

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

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

19 Except as otherwise provided, the program shall provide the  
20 program participant with written notification whenever a request



1 for a disclosure has been granted or denied pursuant to this  
2 section.

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

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

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

- 18 (1) The agency has a bona fide statutory or administrative  
19 need for the actual address;
- 20 (2) The actual address will only be used for the purpose  
21 stated in the request;



1 (3) Other methods to locate the program participant or the  
2 participant's actual address have been tried and have  
3 failed or such methods reasonably appear to be  
4 unlikely to succeed; and

5 (4) The agency has adopted a procedure for protecting the  
6 confidentiality of the actual address of the program  
7 participant.

8 (e) Upon granting a request for disclosure pursuant to  
9 this section, the program shall provide the state or local  
10 government agency with:

11 (1) The program participant's actual address;

12 (2) A statement setting forth the permitted use of the  
13 actual address and the names or classes of persons  
14 permitted to have access to and use of the actual  
15 address;

16 (3) A statement that the agency is required to limit  
17 access to and use of the actual address to the  
18 permitted use and persons set forth in the disclosure;  
19 and

20 (4) The date on which the permitted use expires, if  
21 expiration is appropriate, after which the agency may



1 no longer maintain, use, or have access to the actual  
2 address.

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

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

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

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

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

16 (g) Upon denial of a state or local government agency's  
17 request for disclosure, the program shall provide prompt written  
18 notification to the agency stating that the agency's request has  
19 been denied and setting forth the specific reasons for the  
20 denial.



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

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





1 determination is that the agency's request for disclosure was  
2 improper, the program shall grant the agency's request for  
3 disclosure in accordance with this section. The final  
4 determination of the program director or program director's  
5 designee shall constitute final agency action subject to review  
6 pursuant to chapter 91.

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

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

16 (l) Notwithstanding any other provision of this section,  
17 the program shall establish an expedited process for disclosure  
18 to be used by a criminal justice official or agency for  
19 situations where disclosure is required pursuant to a criminal  
20 trial, hearing, proceeding, or investigation involving a program  
21 participant. An official or agency receiving information



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

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

10 **§351-I Nondisclosure of address in criminal and civil**  
11 **proceedings.** No person shall be compelled to disclose a program  
12 participant's actual address during the discovery phase of or  
13 during a proceeding before a court unless the court finds, based  
14 upon a preponderance of the evidence, that the disclosure is  
15 required in the interests of justice. A court may seal the  
16 portion of any record that contains a program participant's  
17 actual address. Nothing in this section shall prevent a state or  
18 local government agency, in its discretion, from using a program  
19 participant's actual address in any document or record filed  
20 with a court if, at the time of filing, the document or record  
21 is not a public record.



1           **§351-J Participation in the program; orders relating to**  
2 **allocation of parental responsibilities or parenting time. (a)**  
3 Nothing in this part, nor the fact of a person's participation  
4 in the program, shall affect an order relating to the allocation  
5 of parental responsibilities or parenting time in effect prior  
6 to or during program participation.

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

14           **§351-K Rule-making authority.** The commission shall adopt  
15 rules pursuant to chapter 91 as necessary to carry out the  
16 provisions of this part.

17           **§351-L Surcharge; collection and distribution; address**  
18 **confidentiality program surcharge fund; definitions. (a) On**  
19 and after July 1, 2015, each person who is convicted of the  
20 crimes set forth in subsection (b) of this section shall be



1 required to pay a surcharge of \$28 to the clerk of the court for  
2 the judicial district in which the conviction occurs.

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

5 (1) Stalking;

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

9 (3) Sexual offenses; or

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

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

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

20 (2) Ninety-five per cent shall be transferred to the state  
21 treasury to be credited to the address confidentiality



1 program surcharge fund established pursuant to  
2 subsection (d).

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

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

20 (f) The program is authorized to seek, accept, and expend  
21 gifts, grants, and donations from private or public sources for



1 the implementation of the program. All private and public funds  
2 received through gifts, grants, and donations shall be  
3 transmitted to the state treasury to be credited to the fund.

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

9 SECTION 3. 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. Effective 01/07/2059. (SD2)

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

