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# A BILL FOR AN ACT

RELATING TO ADDRESS CONFIDENTIALITY.

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

1           SECTION 1. In accordance with section 9 of article VII of  
2 the Hawaii State Constitution and sections 37-91 and 37-93,  
3 Hawaii Revised Statutes, the legislature has determined that the  
4 appropriations contained in H.B. No. 300, H.D. 1, S.D. 1,  
5 C.D. 1, and this Act will cause the state general fund  
6 expenditure ceiling for fiscal year 2023-2024 to be exceeded by  
7 \$1,063,937,367 or 11.0 per cent. This current declaration takes  
8 into account general fund appropriations authorized for fiscal  
9 year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1, and this  
10 Act only. The reasons for exceeding the general fund  
11 expenditure ceiling are that:

12           (1) The appropriation made in this Act is necessary to  
13           serve the public interest; and

14           (2) The appropriation made in this Act meets the needs  
15           addressed by this Act.

16           SECTION 2. Section 801G-1, Hawaii Revised Statutes, is  
17 amended by adding a new definition to be appropriately inserted  
18 and to read as follows:



1           "Department" means the department of law enforcement."

2           SECTION 3. Section 801G-2, Hawaii Revised Statutes, is  
3 amended by amending subsection (a) to read as follows:

4           "(a) There is established the address confidentiality  
5 program in the [~~office of the lieutenant governor~~] department to  
6 protect the confidentiality of the actual address of a victim of  
7 domestic abuse, a sexual offense, or stalking and to prevent the  
8 victim's assailants or potential assailants from finding the  
9 victim through public records. The program shall:

- 10           (1) Assign a substitute address to the program participant  
11           that shall be used by agencies;
- 12           (2) Receive first-class, certified, or registered mail  
13           sent to a program participant at the substitute  
14           address and forward the mail to the program  
15           participant at no cost to the program participant;  
16           provided that the program shall not be required to  
17           track or maintain records of mail or to forward  
18           packages, bulk mail, or pre-sorted mail; provided  
19           further that the program shall maintain a log of  
20           certified or registered mail or service of legal



1 process received on behalf of a program participant;

2 and

3 (3) Act as the agent of the program participant for  
4 purposes of service of all legal process in the State;  
5 provided that the department may enter into a contract with a  
6 third party to provide the services described in paragraphs (2)  
7 and (3) of this subsection."

8 SECTION 4. Section 801G-7, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§801G-7 Appeal.** Within thirty days of the date of the  
11 notice of denial of an application or of certification  
12 cancellation, an applicant or program participant may submit a  
13 written appeal to the [~~office of the lieutenant governor,~~]  
14 department; provided that:

15 (1) The appeal shall not be treated as a contested case as  
16 defined in chapter 91;

17 (2) The appeal process shall not include a hearing; and

18 (3) The [~~office of the lieutenant governor's~~] department's  
19 final determination shall not be subject to judicial  
20 review."



1 SECTION 5. Section 801G-13, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§801G-13 Rulemaking authority. The [~~office of the~~  
4 ~~lieutenant governor~~] department shall adopt rules pursuant to  
5 chapter 91 as necessary to carry out the purposes of this  
6 chapter."

7 SECTION 6. All rules, policies, procedures, guidelines,  
8 and other material adopted or developed by the office of the  
9 lieutenant governor to implement provisions of the Hawaii  
10 Revised Statutes that are reenacted or made applicable to the  
11 department of law enforcement by this Act shall remain in full  
12 force and effect until amended or repealed by the department of  
13 law enforcement pursuant to chapter 91, Hawaii Revised Statutes.

14 In the interim, every reference to the office of the  
15 lieutenant governor in those rules, procedures, guidelines, and  
16 other material is amended to refer to the department of law  
17 enforcement or director of law enforcement, as appropriate.

18 SECTION 7. All appropriations, records, equipment,  
19 machines, files, supplies, contracts, books, papers, documents,  
20 maps, and other personal property heretofore made, used,  
21 acquired, or held by the office of the lieutenant governor



1 relating to the functions transferred to the department of law  
2 enforcement shall be transferred with the functions to which  
3 they relate.

4 SECTION 8. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$170,000 or so much  
6 thereof as may be necessary for fiscal year 2023-2024 and the  
7 same sum or so much thereof as may be necessary for fiscal year  
8 2024-2025 for two full-time equivalent (2.0 FTE) positions,  
9 operating costs, and equipment to support the address  
10 confidentiality program pursuant to chapter 801G, Hawaii Revised  
11 Statutes.

12 The sums appropriated shall be expended by the department  
13 of law enforcement for the purposes of this Act.

14 SECTION 9. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect on January 1, 2024;  
17 provided that section 8 shall take effect on July 1, 2023.



**Report Title:**

Address Confidentiality; DLE; Office of the Lieutenant Governor;  
Appropriation; Expenditure Ceiling

**Description:**

Changes the governmental entity responsible for the administration of the Address Confidentiality Program from the Office of the Lieutenant Governor to the Department of Law Enforcement. Allows the Department of Law Enforcement to contract with a third party for the mail forwarding and acceptance of service of legal process aspects of the program. Appropriates funds for full-time equivalent positions, operating costs, and equipment to support the Department of Law Enforcement in administering the Address Confidentiality Program. Effective 1/1/2024. (CD1)

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

