

ACT 274

H.B. NO. 1433

A Bill for an Act Relating to Address Confidentiality.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that on July 5, 2018, Governor David Ige signed Act 115, Session Laws of Hawaii 2018, known as the Address Confidentiality Program Act, into law. This law provides survivors of domestic abuse, sexual offenses, or stalking with a substitute address to be used by state and local government agencies instead of their physical address. The substitute

address may be used whenever an address is required for public records. Mail is received at the substitute address and forwarded to the survivor’s actual address.

The legislature finds that the office of the lieutenant governor, rather than the department of the attorney general, may be the appropriate governmental entity to administer this program.

Accordingly, the purpose of this Act is to amend chapter 801G, Hawaii Revised Statutes, to change the governmental entity responsible for administration of the address confidentiality program from the department of the attorney general to the office of the lieutenant governor.

SECTION 2. Section 801G-1, Hawaii Revised Statutes, is amended by deleting the definition of “department”.

[~~“Department” means the department of the attorney general.”~~]

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

“(a) There is established the address confidentiality program in the [~~department of the attorney general~~] office of the lieutenant governor to protect the confidentiality of the actual address of a victim of domestic abuse, a sexual offense, or stalking and to prevent the victim’s assailants or potential assailants from finding the victim through public records. The program shall:

- (1) Assign a substitute address to the program participant that shall be used by agencies;
- (2) Receive first-class, certified, or registered mail sent to a program participant at the substitute address and forward the mail to the program participant at no cost to the program participant; provided that the program shall not be required to track or maintain records of mail or to forward packages, bulk mail, or pre-sorted mail; provided further that the program shall maintain a log of certified or registered mail or service of legal process received on behalf of a program participant; and
- (3) Act as the agent of the program participant for purposes of service of all legal process in the State.”

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

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

- (1) The appeal shall not be treated as a contested case as defined in chapter 91 [~~, and the~~];
- (2) The appeal process shall not include a hearing; and [~~the department’s~~]
- (3) The office of the lieutenant governor’s final determination shall not be subject to judicial review.”

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

“~~§801G-13~~ Rulemaking authority. The [~~attorney general~~] office of the lieutenant governor shall adopt rules pursuant to chapter 91 as necessary to carry out the purposes of this chapter.”

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2019.

(Became law on July 9, 2019, without the governor's signature, pursuant to Art. III, §16, State Constitution.)