

A Bill for an Act Relating to Address Confidentiality.

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

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

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

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

“‘Department’ means the department of law enforcement.”

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 [office of the lieutenant governor] department 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;²

provided that the department may enter into a contract with a third party to provide the services described in paragraphs (2) and (3) of this subsection.”

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 [office of the lieutenant governor] department; provided that:

- (1) The appeal shall not be treated as a contested case as defined in chapter 91;
- (2) The appeal process shall not include a hearing; and
- (3) The ~~[office of the lieutenant governor's]~~ department'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 ~~[office of the lieutenant governor]~~ department shall adopt rules pursuant to chapter 91 as necessary to carry out the purposes of this chapter."

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made applicable to the department of law enforcement by this Act shall remain in full force and effect until amended or repealed by the department of law enforcement pursuant to chapter 91, Hawaii Revised Statutes.

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

SECTION 7. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the office of the lieutenant governor relating to the functions transferred to the department of law enforcement shall be transferred with the functions to which they relate.

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

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

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

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

(Approved June 14, 2023.)

Notes

1. Act 164.
2. Prior to amendment "." appeared here.