



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 5, 2018

**GOV. MSG. NO. 1216**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2018, the following bill was signed into law:

SB2346 SD2 HD1 CD1

RELATING TO ADDRESS CONFIDENTIALITY  
**ACT 115 (18)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

---

---

# A BILL FOR AN ACT

RELATING TO ADDRESS CONFIDENTIALITY.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 ADDRESS CONFIDENTIALITY PROGRAM

6 § -1 Definitions. As used in this chapter:

7 "Actual address" means a residential, work, or school  
8 address as specified on an applicant's application and includes  
9 the applicant's county of residence and voting precinct.

10 "Address confidentiality program" or "program" means the  
11 program established by section -2.

12 "Agency" means an agency or instrumentality of the State or  
13 any of its political subdivisions.

14 "Applicant" includes a primary applicant and a secondary  
15 applicant.

16 "Application assistant" means a current employee or  
17 volunteer serving a victim services organization who is  
18 certified by the program pursuant to this chapter to assist



1 individuals with applications to participate in the program;  
2 provided that an application assistant shall not be an employee  
3 of the program.

4 "Department" means the department of the attorney general.

5 "Domestic abuse" shall have the same meaning as in section  
6 586-1.

7 "Primary applicant" means an individual who is applying to  
8 participate in the address confidentiality program as a victim  
9 of domestic abuse, a sexual offense, or stalking; provided that  
10 a parent or guardian applying on behalf of a minor or an  
11 incapacitated person shall not be considered a primary  
12 applicant; provided further that a parent or guardian may apply  
13 as a secondary applicant under section -4.

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

16 "Program participant" or "participant" means an individual  
17 accepted into the address confidentiality program, and includes  
18 a primary participant and a secondary participant.

19 "Public record" means all documents, papers, letters, maps,  
20 books, photographs, films, sound recordings, magnetic or other  
21 tapes, digital data, artifacts, or other documentary material,



1 regardless of physical form or characteristics, made or received.  
2 pursuant to law or ordinance in connection with the transaction  
3 of public business by a state or local government agency.

4 "Sexual offense" means an act described in section 707-730,  
5 707-731, 707-732, 707-733, 707-733.6, 707-734, 707-741, 707-750,  
6 707-752, 707-756, 707-757, or 707-759.

7 "Stalking" means any act described in sections 711-1106.4  
8 and 711-1106.5.

9 "Substitute address" means an address that is used instead  
10 of an actual address and assigned to a participant under the  
11 address confidentiality program.

12 "Victim services organization" means a nonprofit,  
13 nongovernmental organization that provides assistance to, or  
14 advocates for, victims of domestic abuse or sexual violence,  
15 including rape crisis centers; an organization operating a  
16 shelter or providing professional counseling services; or an  
17 organization that provides assistance with the legal process  
18 including but not limited to the victim-witness assistance  
19 program and victim-witness assistance units established in  
20 section 28-111.



1           §   -2 Address confidentiality program; established. (a)

2 There is established the address confidentiality program in the  
3 department of the attorney general to protect the

4 confidentiality of the actual address of a victim of domestic

5 abuse, a sexual offense, or stalking and to prevent the victim's

6 assailants or potential assailants from finding the victim

7 through public records. The program shall:

8           (1) Assign a substitute address to the program participant  
9           that shall be used by agencies;

10          (2) Receive first-class, certified, or registered mail

11          sent to a program participant at the substitute

12          address and forward the mail to the program

13          participant at no cost to the program participant;

14          provided that the program shall not be required to

15          track or maintain records of mail or to forward

16          packages, bulk mail, or pre-sorted mail; provided

17          further that the program shall maintain a log of

18          certified or registered mail or service of legal

19          process received on behalf of a program participant;

20          and



1 (3) Act as the agent of the program participant for  
2 purposes of service of all legal process in the State.

3 (b) The program shall consist of a program director and  
4 other personnel necessary for the efficient functioning of the  
5 program. The program director and personnel shall be appointed  
6 without regard to chapter 76, but shall be subject to chapter  
7 89.

8 (c) The program director shall designate application  
9 assistants to assist applicants with the application process and  
10 assist in the certification of the applicant; provided that any  
11 assistance provided shall not be construed as legal advice.

12 **§ -3 Filing and certification of applications;**  
13 **authorization card.** (a) A primary applicant may apply to  
14 participate in the address confidentiality program and shall be  
15 assisted by an application assistant; provided that:

16 (1) A parent or guardian may act on behalf of a minor who  
17 resides with the parent or guardian; and

18 (2) A guardian shall act on behalf of an incapacitated  
19 individual.

20 (b) The application shall be as prescribed by the program  
21 director and shall contain the following:



- 1           (1) The primary applicant's name;
- 2           (2) A statement by the primary applicant that the primary
- 3                 applicant is a victim of domestic abuse, a sexual
- 4                 offense, or stalking and that the primary applicant
- 5                 fears for the primary applicant's safety;
- 6           (3) Evidence that the primary applicant is a victim of
- 7                 domestic abuse, a sexual offense, or stalking,
- 8                 including any of the following:
- 9                 (A) Records or files of a court or government agency
- 10                 including but not limited to police reports,
- 11                 valid restraining orders, injunctions against
- 12                 harassment, and documents from criminal cases;
- 13                 (B) Documentation from a domestic abuse program,
- 14                 agency, or facility including but not limited to
- 15                 a women's shelter or safe house;
- 16                 (C) Documentation from a sexual assault program; or
- 17                 (D) Documentation from a medical professional, mental
- 18                 health provider, or other class of professionals
- 19                 designated by the program director from whom the
- 20                 primary applicant has sought assistance in



- 1                   dealing with the alleged domestic abuse, sexual  
2                   offense, or stalking;
- 3           (4) A statement by the primary applicant that disclosure  
4           of the primary applicant's actual address will  
5           endanger the primary applicant's safety;
- 6           (5) A statement by the primary applicant that the primary  
7           applicant has confidentially relocated to an address  
8           in the State or will relocate to an address in the  
9           State within thirty days of the date of application  
10           and will not disclose the location to assailants or  
11           known potential assailants;
- 12           (6) The primary applicant's written consent that the  
13           program shall serve as the agent for the primary  
14           applicant for purposes of service of process and  
15           receiving mail;
- 16           (7) The mailing address and telephone number where the  
17           primary applicant may be contacted by the program;
- 18           (8) The actual address of the primary applicant;
- 19           (9) A statement as to whether there is any existing court  
20           order or court action involving the primary applicant  
21           or an individual identified in paragraph (10) related



- 1 to dissolution of marriage proceedings, child support,  
2 or the allocation of parental responsibilities or  
3 parenting time, including the court that issued the  
4 order or has jurisdiction over the action;
- 5 (10) The name of any person who resides with the primary  
6 applicant who may apply as a secondary applicant  
7 pursuant to section -4 to ensure the safety of the  
8 primary applicant;
- 9 (11) The primary applicant's sworn statement that the  
10 information contained in the application is true;
- 11 (12) The application assistant's statement that the  
12 application assistant has met with and discussed the  
13 application with the primary applicant and that the  
14 application assistant recommends that the primary  
15 applicant be assigned a substitute address; and
- 16 (13) The date and signature of the primary applicant, the  
17 application assistant, and, if applicable, the primary  
18 applicant's parent or guardian.
- 19 (c) Upon the determination that an application has been  
20 properly completed, the program director may certify the primary  
21 applicant as a program participant and issue the program



1 participant an address confidentiality program authorization  
2 card that shall include the participant's substitute address and  
3 remain valid for a period of time set forth by the program  
4 director; provided that the certification may be canceled  
5 pursuant to section -6.

6 (d) A certification may be renewed by filing a renewal  
7 application with the program no more than thirty days, but at  
8 least five days, prior to the expiration of the existing  
9 certification.

10 § -4 Filing and certification of secondary applicants;  
11 authorization card. (a) The parent, spouse, domestic partner,  
12 child, or legal dependent of a program participant who resides at  
13 the same actual address as the program participant and whose  
14 participation in the program is necessary for the safety of the  
15 program participant may apply to the program as a secondary  
16 applicant and shall be assisted by an application assistant;  
17 provided that:

18 (1) A parent or guardian may act on behalf of a minor who  
19 resides with the parent or guardian; and

20 (2) A guardian shall act on behalf of an incapacitated  
21 individual.



1           (b) The application shall be as prescribed by the program  
2 director and shall contain the following:

3           (1) The name of the secondary applicant;

4           (2) The actual address of the secondary applicant;

5           (3) The name of the program participant;

6           (4) The actual address of the program participant;

7           (5) A statement by the secondary applicant that disclosure  
8 of the secondary applicant's actual address will  
9 endanger the program participant's safety;

10          (6) A statement by the program participant that the  
11 secondary applicant's participation is necessary for  
12 the program participant's safety;

13          (7) A statement by the secondary applicant that the  
14 secondary applicant has confidentially relocated with  
15 the program participant or will confidentially  
16 relocate with the program participant within thirty  
17 days of the date of the application and will not  
18 disclose the location to assailants or known potential  
19 assailants of the program participant;

20          (8) The secondary applicant's written consent that the  
21 program shall serve as the secondary applicant's agent



1 for purposes of service of legal process and receiving  
2 mail;

3 (9) The mailing address and telephone number where the  
4 secondary applicant may be contacted by the program;

5 (10) The secondary applicant's sworn statement that the  
6 information contained in the application is true;

7 (11) The program participant's sworn statement that the  
8 information contained in the secondary applicant's  
9 application is true;

10 (12) An application assistant's statement that the  
11 application assistant has met with and discussed the  
12 application with the secondary applicant and the  
13 program participant and that the application assistant  
14 recommends that the secondary applicant be assigned a  
15 substitute address; and

16 (13) The date and signature of the secondary applicant,  
17 program participant, application assistant, and, if  
18 applicable, the secondary applicant's parent or  
19 guardian.

20 (c) Upon a determination that an application has been  
21 properly completed, the program director may certify the



1 secondary applicant as a secondary program participant and issue  
2 the secondary program participant an address confidentiality  
3 program authorization card that shall include the program  
4 participant's substitute address and remain valid for the same  
5 period of time as the program participant's certification;  
6 provided that the certification may be canceled pursuant to  
7 section -6 or if the program participant's certification is  
8 canceled for any reason.

9 (d) The secondary program participant shall submit an  
10 application to renew certification at the same time as the  
11 program participant.

12 (e) This chapter shall apply to the secondary program  
13 participant as if the secondary program participant was a  
14 program participant.

15 § -5 Change of name, address, or telephone number. (a)  
16 Within thirty days of a legal name change, a program participant  
17 shall provide the program with a certified copy of a judgment,  
18 order, or any other documentation the program director deems to  
19 be sufficient evidence of the name change.



1 (b) Within ten days of a change in actual address or  
2 telephone number, a program participant shall notify the program  
3 of the change.

4 § -6 Certification cancellation. (a) A program  
5 participant's certification shall be canceled if:

- 6 (1) The program participant submits a written request for  
7 withdrawal of the certification;
- 8 (2) The program participant fails to notify the program of  
9 a change in the program participant's legal name,  
10 mailing address, actual address, or telephone number;
- 11 (3) The program participant knowingly submitted false  
12 information on the program application;
- 13 (4) Mail forwarded by the program to the program  
14 participant is returned as undeliverable;
- 15 (5) A renewal application pursuant to section -3(d) is  
16 not received or approved by the program; or
- 17 (6) The program participant's mailing or actual address is  
18 not located in the State.

19 (b) The program director shall send to the program  
20 participant a notice of cancellation that includes the reasons  
21 for cancellation.



1 (c) An individual who ceases to be a program participant  
2 shall be responsible for notifying persons who use the  
3 substitute address that the substitute address is no longer  
4 valid.

5 (d) In accordance with program policies, any mail returned  
6 as undeliverable or any mail that continues to be received by  
7 the program following a certification cancellation may be  
8 returned to the sender or destroyed sixty days after the  
9 certification cancellation date.

10 § -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 department; provided that the appeal shall  
14 not be treated as a contested case as defined in chapter 91, and  
15 the appeal process shall not include a hearing and the  
16 department's final determination shall not be subject to  
17 judicial review.

18 § -8 Service of process. (a) The service of process  
19 upon an agent of the program shall constitute service upon the  
20 program participant.



1 (b) Upon the receipt of service, the program shall forward  
2 the served document to the program participant within three  
3 calendar days of receipt; provided that if there is a legal  
4 requirement to act within a prescribed period of ten days or  
5 less after the service of process, notice, or demand, five days  
6 shall be added to the prescribed period; provided further that  
7 the program is not required to mail the served document by  
8 certified or registered mail.

9 (c) The program shall maintain records of any served  
10 documents.

11 § -9 Address use by state agencies; waiver request. (a)  
12 The program participant shall be responsible for requesting that  
13 an agency use the participant's substitute address for all  
14 purposes for which the agency requires or requests a  
15 residential, work, or school address.

16 (b) When a program participant submits a current and valid  
17 address confidentiality program authorization card to an agency,  
18 the agency shall accept the substitute address on the card as  
19 the program participant's actual address to be used when  
20 creating a new public record; provided that:



- 1           (1) The agency shall adopt procedures to prevent any  
2           disclosure of the program participant's mailing  
3           address, actual address, and telephone numbers that  
4           may be on file with the agency;
- 5           (2) Election officials shall use a program participant's  
6           actual address for purposes of determining residency  
7           pursuant to section 11-13; provided that the  
8           substitute address shall be used for all other  
9           purposes and the program participant's name, mailing  
10          address, actual address, or telephone number shall not  
11          be published in any list or register;
- 12          (3) The department of education shall use a program  
13          participant's actual address for school admission or  
14          assignment and the substitute address for student  
15          records;
- 16          (4) For tax purposes, the substitute address shall be used  
17          solely as a mailing address or for purposes of public  
18          records and the department of taxation may require the  
19          program participant to provide an actual address if  
20          the address is necessary for the assessment of any  
21          taxes; provided that the substitute address shall be



1 used as a mailing address and the actual address shall  
2 remain confidential;

3 (5) Law enforcement may require the program participant to  
4 provide an actual address for a legitimate law  
5 enforcement purpose; provided that the actual address  
6 shall remain confidential and used solely for the  
7 legitimate law enforcement purpose; and

8 (6) The department of human services may require the  
9 program participant to provide an actual address if  
10 the actual address is necessary for the department of  
11 human services to perform its functions; provided that  
12 the substitute address shall be used as a mailing  
13 address and the actual address shall remain  
14 confidential.

15 (c) An agency may submit a request for a waiver from the  
16 program by submitting a waiver request to the program director  
17 who shall notify the agency of the waiver acceptance or denial  
18 and provide the agency with the reasons for acceptance or denial  
19 of the request. The waiver request shall be in writing, be in a  
20 form designated by the program director, and include:



1 (1) A statement of how participation in the program  
2 restricts the agency's ability to satisfy the agency's  
3 obligations;

4 (2) A statement that upon acceptance of the waiver, the  
5 agency shall only use the participant's actual address  
6 for the purposes stated in the waiver request; and

7 (3) A copy of the agency's policies and procedures  
8 regarding the use and confidentiality of an actual  
9 address.

10 § -10 Disclosure of actual address prohibited; penalty.

11 (a) Disclosure by the program of a program participant's  
12 actual address shall be prohibited unless required by order of  
13 a court. There shall be a presumption that the disclosure of  
14 any record of the program constitutes an unwarranted invasion  
15 of privacy and any applicant or program participant has a  
16 significant privacy interest in any information provided to  
17 the program.

18 (b) No court shall order the disclosure of a program  
19 participant's actual address unless the court finds by clear and  
20 convincing evidence that:



- 1 (1) The disclosure of the actual address is necessary for  
2 a legitimate purpose;
- 3 (2) The use of the substitute address would unduly  
4 frustrate the legitimate purpose; and
- 5 (3) Taking into consideration the safety of the program  
6 participant, there is no reasonable alternative to  
7 disclosure of the actual address.

8 The court shall enter into the record written findings and any  
9 conditions on the disclosure of the actual address that are  
10 necessary to reasonably protect the safety and privacy of the  
11 program participant.

12 (c) Any court order requiring the disclosure of a program  
13 participant's actual address shall be stayed for ten days after  
14 written legal notice of the order is personally served upon the  
15 program participant; provided that if the participant cannot be  
16 physically located, service of the notice by certified mail to  
17 an agent of the program, in accordance with section -8(a),  
18 shall satisfy the requirements of this subsection; provided  
19 further that if service of the notice is performed in accordance  
20 with section -8(a), the additional time period of five days



1 provided in section -8(b) shall be added to the prescribed  
2 ten day time period provided in this subsection.

3 (d) No employee, volunteer, or any person with access to  
4 the records of the program or the records of any agency that has  
5 received a request from the program participant to use a  
6 substitute address shall knowingly disclose any address or  
7 telephone number of a program participant other than the  
8 substitute address.

9 (e) Any person who violates subsection (d) shall be guilty  
10 of a misdemeanor.

11 § -11 Prohibitions; penalty. (a) No applicant or  
12 program participant shall falsely attest that disclosure of the  
13 applicant's or program participant's actual address will  
14 endanger the applicant's or program participant's safety or  
15 knowingly provide false information on an initial application or  
16 an application for renewal.

17 (b) An applicant or program participant who violates this  
18 section shall be fined not more than \$500.

19 § -12 Indemnification. Nothing in this chapter shall be  
20 construed to create a cause of action against the State, the



1 counties, or any of their employees, agencies, officials, or  
2 volunteers except as set forth in section -10.

3 § -13 Rulemaking authority. The attorney general shall  
4 adopt rules pursuant to chapter 91 as necessary to carry out the  
5 purposes of this chapter."

6 SECTION 2. This Act shall take effect on July 1, 2018.

APPROVED this 05 day of JUL, 2018



GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2018  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the  
Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.

  
President of the Senate

  
Clerk of the Senate

SB No. 2346, SD 2, HD 1, CD 1

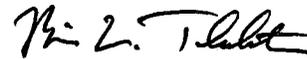
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives