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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. Chapter 801G, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§801G-     Address confidentiality program governance  
5 committee. (a) There is established within the department of  
6 law enforcement an address confidentiality program governance  
7 committee. The members of the governance committee shall be  
8 appointed by the director of law enforcement.

9           (b) The terms of the members shall be for four years and  
10 shall commence on July 1 and expire on June 30; provided that  
11 the governance committee may elect to reduce the terms of those  
12 initially appointed so as to provide, as nearly as can be, for  
13 the expiration of an equal number of terms at intervals of one  
14 year. No person shall be appointed consecutively to more than  
15 two terms on the governance committee; provided that membership  
16 shall not exceed eight consecutive years. Any member whose term  
17 has expired and who is not disqualified for membership under



1 this subsection may continue in office as a holdover member  
2 until a successor is nominated and appointed; provided that a  
3 holdover member shall not hold office beyond the end of the  
4 second regular legislative session following the expiration of  
5 the member's term of office.

6 (c) A vacancy occurring in the membership of the  
7 governance committee during a term shall be filled for the  
8 unexpired term thereof as provided in subsection (a). The  
9 director of law enforcement may remove or suspend for cause any  
10 member after due notice and public hearing.

11 (d) The governance committee members shall include:

12 (1) A victim;

13 (2) One representative from a victim assistance program in  
14 each county; and

15 (3) One representative from each of the following:

16 (A) Hawaii State Coalition Against Domestic Violence;

17 (B) Sex Abuse Treatment Center;

18 (C) Domestic Violence Action Center; and

19 (D) Crime victim compensation commission.

20 The committee members shall elect a member who shall serve as  
21 the chairperson.



1       (e) The governance committee may advise the department on  
2 the following issues:

3       (1) Implementation and operation of the program;

4       (2) Staffing requirements; and

5       (3) Policies and procedures governing the implementation  
6 and operation of the program, intended to safeguard  
7 the safety, confidentiality, and autonomy of victims.

8       (f) Meetings of the governance committee shall be held on  
9 a quarterly basis during the system's first year of  
10 implementation and not less than twice a year thereafter.

11       (g) The members of the governance committee shall serve  
12 without compensation but shall be reimbursed for expenses,  
13 including travel expenses, necessary for the performance of  
14 their duties.

15       (h) Members of the governance committee acting in good  
16 faith and within the scope of their duties under this chapter  
17 shall be immune from any civil or criminal liability arising  
18 from these acts, except where the member's conduct would  
19 constitute gross negligence, willful and wanton misconduct, or  
20 intentional misconduct."



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

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

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

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

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



1 further that the program shall maintain a log of  
2 certified or registered mail or service of legal  
3 process received on behalf of a program participant;  
4 and

5 (3) Act as the agent of the program participant for  
6 purposes of service of all legal process in the  
7 State."

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

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

17 SECTION 7. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect on January 1, 2024;  
20 provided that section 6 shall take effect on July 1, 2023.



**Report Title:**

Address Confidentiality; Department of Law Enforcement; Office of the Lieutenant Governor; Appropriation

**Description:**

Establishes the Address Confidentiality Program Governance Committee within the Department of Law Enforcement. 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 beginning 1/1/2024. Appropriates funds for full-time equivalent positions, operating costs, and equipment to support the Department of Law Enforcement's Criminal Justice Data Center in administering the Address Confidentiality Program. Takes effect 1/1/2024. (SD1)

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

