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

Re: HB1433 HD1 SD1 CD1

Pursuant to Section 16 of Article III of the State Constitution, HB1433 HD1 SD1 CD1, entitled “A BILL FOR AN ACT RELATING TO ADDRESS CONFIDENTIALITY” became law as ACT 274 on July 10, 2019.

This bill amends chapter 801G, Hawaii Revised States, 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. The legislature determined that the Office of the Lieutenant Governor is the appropriate governmental entity to administer the program.

The address confidentiality program was signed into law on July 5, 2018. This law provides survivors of domestic abuse, sexual offenses, or stalking with a substitute address to be used by state and local government agencies. The program is intended to prevent a victim’s assailant or potential assailant from finding the victim through public records. Chapter 801G prohibits the address of a program participant from being made public or published in state or county governmental records.
Although the bill presents implementation and funding issues, we recognize the need to establish this program and to begin offering program services to victims that fear for their safety because their whereabouts are available through government records.

Attorney General Clare E. Connors fully supports this program and has agreed to assist with the transition of this program from the Department of the Attorney General to the office of the lieutenant governor by sharing program processes, training presentations and forms that were developed during the past year.

Although the bill originated as a funding bill to allow for proper staffing and operational costs related to the administration of the program, funding provisions were not included in the final version of the bill. We hope to have a continued conversion to address the funding issue and to ensure successful implementation and sustained operation of the program.

For the foregoing reasons, I allowed HB1433 HD1 SD1 CD1 to become law without my signature.

Sincerely,

DAVID Y. IGE
Governor, State of Hawaii
A BILL FOR AN ACT

RELATING TO ADDRESS CONFIDENTIALITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

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 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 office of the lieutenant
governor; 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
[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.

APPROVED this day of , 2019

GOVERNOR OF THE STATE OF HAWAII
HB No. 1433, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.

Scott K. Saiki
Speaker
House of Representatives

Brian L. Takeshita
Chief Clerk
House of Representatives
H.B. No. 1433, H.D. 1, S.D. 1, C.D. 1

THE SENATE OF THE STATE OF HAWAIʻI

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawaiʻi, Regular Session of 2019.

[Signature]
President of the Senate

[Signature]
Clerk of the Senate