
A BILL FOR AN ACT

RELATING TO ADDRESS CONFIDENTIALITY.

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

1 SECTION 1. This Act shall be known and may be cited as the
2 "Address Confidentiality Program Act".

3 SECTION 2. The legislature finds that persons attempting
4 to escape from actual or threatened domestic violence, sexual
5 offenses, or stalking frequently move to a new address in order
6 to prevent being found by an assailant or potential assailant.
7 This new address, however, is only useful for this purpose if an
8 assailant or potential assailant does not discover it.
9 Therefore, in order to help victims of domestic violence, sexual
10 offenses, or stalking, it is the intent of the legislature to
11 establish an address confidentiality program, whereby the
12 confidentiality of a victim's address may be maintained through,
13 among other things, the use of a substitute address for purposes
14 of public records and confidential mail forwarding.

15 This Act establishes an address confidentiality program to
16 give victims a substitute legal address to use in place of their
17 physical address to be used whenever an address is required for



1 public records, such as voter or drivers' license registries.
2 Mail is received at the substitute address and forwarded to the
3 victim's true address. The legislature further finds and
4 declares that the desired result of the Address Confidentiality
5 Program Act is the use of the program participants' substitute
6 address by state and local government agencies whenever
7 possible, allowance for agency access to the participant's
8 actual address when appropriate, establishment of a mail
9 forwarding system for program participants, and assurance of
10 adequate funding to pay the program costs for all persons who
11 apply and qualify for participation.

12 The purpose of this Act is to develop a mechanism to help
13 survivors of domestic violence, sexual offenses, or stalking
14 relocate and keep their addresses confidential by establishing
15 an address confidentiality program.

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

19 "CHAPTER

20 ADDRESS CONFIDENTIALITY PROGRAM

21 § -1 Definitions. As used in this chapter:



1 "Actual address" means a residential, work, or school
2 address as specified on an individual's application to be a
3 program participant under this chapter, and includes the
4 individual's county of residence and voting precinct.

5 "Address confidentiality program" or "program" means the
6 program created under this chapter to protect the
7 confidentiality of the actual address of a relocated victim of
8 domestic violence, a sexual offense, or stalking.

9 "Applicant" means an individual identified as such in an
10 application received by the program.

11 "Department" means the department of accounting and general
12 services.

13 "Domestic violence" means an act described in section 586-
14 1.

15 "Person" means any individual, corporation, limited
16 liability company, partnership, trust, estate, or other
17 association or any state, the United States, or any subdivision
18 thereof.

19 "Program director" means the director of the program.



1 "Program participant" or "participant" means an individual
2 accepted into the address confidentiality program in accordance
3 with this chapter.

4 "Public record" means all documents, papers, letters, maps,
5 books, photographs, films, sound recordings, magnetic or other
6 tapes, digital data, artifacts, or other documentary material,
7 regardless of physical form or characteristics, made or received
8 pursuant to law or ordinance in connection with the transaction
9 of public business by a state or local government agency.

10 "Sexual offense" means an act described in sections 707-
11 30 to 707-41.

12 "Stalking" means an act of harassment as described in
13 section 711-1106.

14 "State or local government agency" or "agency" means every
15 elected or appointed state or local public office, public
16 officer, or official; board, commission, bureau, committee,
17 council, department, authority, agency, institution of higher
18 education, or other unit of the executive, legislative, or
19 judicial branch of the State; or any city, county, city and
20 county, town, special district, school district, local



1 improvement district, or any other kind of municipal, quasi-
2 municipal, or public corporation.

3 "Substitute address" means an address designated under the
4 address confidentiality program that is used instead of an
5 actual address as set forth in this chapter.

6 "Victim advocate or victim service provider" means any
7 professional who is trained to support victims of crime
8 including domestic violence, sexual offenses, or stalking.

9 § -2 Address confidentiality program; creation;
10 substitute address; application assistance centers. (a) There
11 is hereby created the address confidentiality program in the
12 department of accounting and general services to protect the
13 confidentiality of the actual address of a relocated victim of
14 domestic violence, a sexual offense, or stalking and to prevent
15 the victim's assailants or potential assailants from finding the
16 victim through public records. The program shall:

- 17 (1) Designate a substitute address for each program
18 participant that shall be used by state and local
19 government agencies as specified in this chapter; and
20 (2) Receive mail sent to each program participant at the
21 substitute address and forward the mail to the



1 participant as set forth in subsection (b) of this
2 section.

3 (b) The program shall receive first-class, certified, or
4 registered mail on behalf of program participants and shall
5 forward the mail to participants for no charge to the
6 participant. The program may provide for signature on behalf of
7 a participant for purposes of receiving certified or registered
8 mail. The director or the director's designee may arrange to
9 receive and forward other classes or kinds of mail at the
10 participant's expense. The program shall not be required to
11 track or otherwise maintain records of any mail except certified
12 or registered mail received on behalf of a participant.

13 (c) Notwithstanding any provision of law to the contrary,
14 service on a program participant by registered mail or by
15 certified mail, return receipt requested, addressed to the
16 participant at the participant's substitute address may be
17 effective for any process, notice, or demand required or
18 permitted by law to be served on the program participant.
19 Service is perfected under this subsection when the program
20 participant receives the process, notice, or demand, or five
21 days after the date shown on the return receipt if signed on



1 behalf of the program participant, whichever occurs first.
2 Notwithstanding the availability of service under this
3 subsection, service of process, notice, or demand upon a
4 participant in the State may be effected as otherwise provided
5 by law.

6 Whenever the laws of the State provide a program
7 participant a legal right to act within a prescribed period of
8 ten days or less after the service of process, notice, or demand
9 upon the participant and the process, notice, or demand is
10 served upon the participant by mail pursuant to this subsection
11 or by first-class mail as otherwise authorized by law, five days
12 shall be added to the prescribed period.

13 (d) The program director or designee may designate as an
14 application assistant any person who completes a training and
15 registration process required by the program director.

16 (e) Assistance to an applicant pursuant to this chapter
17 shall in no way be construed as legal advice.

18 § -3 Filing and certification of applications;
19 authorization card. (a) Beginning on July 1, 2015, upon the
20 recommendation of a qualifying victim advocate or service
21 provider, the following persons may apply to participate in the



1 address confidentiality program on behalf of the person and any
2 individuals designated in subsection (c)(10):

- 3 (1) An adult individual;
- 4 (2) A parent or guardian acting on behalf of a minor who
5 resides with the parent or guardian; or
- 6 (3) A guardian acting on behalf of an incapacitated
7 individual.

8 (b) A victim advocate or service provider shall assist the
9 individual in the preparation of the application. The
10 application shall be dated, signed, and verified by the
11 applicant and shall be signed and dated by the victim advocate
12 or service provider who assisted in the preparation of the
13 application. The signature of the victim advocate or service
14 provider shall serve as the recommendation that the applicant
15 have an address designated by the program to serve as the
16 substitute address of the applicant. A minor or incapacitated
17 individual on whose behalf a parent or guardian completes an
18 application pursuant to subsection (a)(2) or (a)(3) shall be
19 considered the applicant, but any statements that are required
20 to be made by the applicant shall be made by the parent or



1 guardian acting on behalf of the minor or incapacitated
2 individual.

3 (c) The application shall be on a form prescribed by the
4 program director and shall contain all of the following:

5 (1) The applicant's name;

6 (2) A statement by the applicant that the applicant is a
7 victim of domestic violence, a sexual offense, or
8 stalking and that the applicant fears for the
9 applicant's safety;

10 (3) Evidence that the applicant is a victim of domestic
11 violence, a sexual offense, or stalking, including any
12 of the following:

13 (A) Records or files of a law enforcement agency,
14 court, non-profit organization, or other federal,
15 state or local government agency;

16 (B) Documentation from a domestic violence program,
17 agency, or facility, including but not limited to
18 a battered women's shelter or safe house;

19 (C) Documentation from a sexual assault program; or

20 (D) Documentation from a religious, medical, or other
21 professional from whom the applicant has sought



- 1 assistance in dealing with the alleged domestic
2 violence, sexual offense, or stalking;
- 3 (4) A statement by the applicant that disclosure of the
4 applicant's actual address would endanger the
5 applicant's safety;
- 6 (5) A statement by the applicant that the applicant has
7 confidentially relocated in the past ninety days or
8 will confidentially relocate within the State;
- 9 (6) A designation of the program director or program as an
10 agent for the applicant for purposes of receiving
11 certain mail;
- 12 (7) The mailing address and telephone number where the
13 applicant can be contacted by the program;
- 14 (8) The applicant's actual address;
- 15 (9) A statement as to whether there is any existing court
16 order or court action involving the applicant or an
17 individual identified in paragraph (10) of this
18 subsection related to dissolution of marriage
19 proceedings, child support, or the allocation of
20 parental responsibilities or parenting time, including



1 the court that issued the order or has jurisdiction
2 over the action;

3 (10) The name of any person who resides with the applicant
4 who also needs to be a program participant in order to
5 ensure the safety of the applicant and, if the person
6 named is eighteen years of age or older, the consent
7 of that person to be a program participant; and

8 (11) A statement by the applicant, under penalty of
9 perjury, that to the best of the applicant's
10 knowledge, the information contained in the
11 application is true.

12 (d) Upon determining that an application has been properly
13 completed, the program shall certify the applicant and any
14 individual who is identified in subsection (c)(10) as a program
15 participant. Upon certification, the program shall issue to the
16 participant an address confidentiality program authorization
17 card, which shall include the participant's substitute address.
18 The card shall remain valid for so long as the participant
19 remains certified under the program.

20 (e) Program participants shall be certified for four years
21 following the date of certification unless the certification is



1 earlier withdrawn or canceled. A program participant may
2 withdraw the certification by filing a request for withdrawal
3 acknowledged before a notary public with the program. A
4 certification may be renewed by filing a renewal application
5 with the program at least thirty days prior to expiration of the
6 current certification. The renewal application shall be dated,
7 signed, and verified by the applicant. The renewal application
8 shall contain:

- 9 (1) Any statement or information that is required by
10 subsection (c) that has changed from the most recent
11 prior application or renewal application; and
12 (2) A statement by the applicant, under penalty of
13 perjury, that to the best of the applicant's
14 knowledge, the information contained in the renewal
15 application and all prior applications is true.

16 § -4 Change of name, address, or telephone number. (a)
17 A program participant shall notify the program within thirty
18 days after the participant has obtained a legal name change by
19 providing a certified copy of any judgment or order evidencing
20 the change or any other documentation the program director deems
21 to be sufficient evidence of the name change.



1 (b) A program participant shall notify the program of a
2 change in contact address or telephone number or actual address
3 from those listed on the most recent application or renewal
4 application pursuant to section -3(c)(7) and (8) no later
5 than seven days after the change occurs.

6 **§ -5 Certification cancellation; records.** (a) The
7 certification of a program participant shall be cancelled under
8 any of the following circumstances:

- 9 (1) The program participant files a request for withdrawal
10 of the certification pursuant to section -3(e);
11 (2) The program participant fails to notify the program of
12 a change in the participant's name, address, or
13 telephone number as required by section -4;
14 (3) The program participant or applicant knowingly
15 submitted false information in the program
16 application; or
17 (4) Mail forwarded to the program participant by the
18 program is returned as undeliverable.

19 (b) If the program determines that there is one or more
20 grounds for cancelling certification of a program participant
21 pursuant to subsection (a), the program director shall send



1 notice of cancellation to the program participant. Notice of
2 cancellation shall set out the reasons for cancellation. The
3 participant shall have thirty days to appeal the cancellation
4 decision under chapter 91 and procedures developed by the
5 program director.

6 (c) An individual who ceases to be a program participant
7 is responsible for notifying persons who use the substitute
8 address that the designated substitute address is no longer
9 valid.

10 § -6 Address use by state or local government agencies.

11 (a) The program participant, and not the program director or
12 the program, is responsible for requesting that a state or local
13 government agency use the participant's substitute address as
14 the participant's residential, work, or school address for all
15 purposes for which the agency requires or requests such
16 residential, work, or school address.

17 (b) Except as otherwise provided in this section or unless
18 the program grants a state or local government agency's request
19 for a disclosure pursuant to section -8, when a program
20 participant submits a current and valid address confidentiality
21 program authorization card to the agency, the agency shall



1 accept the substitute address on the card as the participant's
2 address to be used as the participant's residential, work, or
3 school address when creating a new public record. The
4 substitute address given to the agency shall be the last known
5 address for the participant used by the agency until such time
6 that the agency receives notification pursuant to section -
7 5(c). The agency may make a photocopy of the card for the
8 records of the agency and thereafter shall immediately return
9 the card to the program participant.

10 (c) Election officials shall use the actual address of a
11 program participant for precinct designation and all official
12 election-related purposes and shall keep the participant's
13 actual address confidential. The election official shall use
14 the substitute address for all correspondence and mailings
15 placed in the United States mail. The substitute address shall
16 not be used as an address for voter registration.

17 A state or local government agency's access to a program
18 participant's voter registration information shall be governed
19 by the disclosure process set forth in section -8.

20 This subsection shall apply only to a program participant
21 who submits a current and valid address confidentiality program



1 authorization card when registering to vote or updating voter
2 registration information.

3 (d) A program participant who completes an application to
4 register to vote at a driver's license examination facility
5 while receiving a driver's license or an identification card
6 shall be required to have the participant's actual address on
7 the driver's license or identification card.

8 (e) The substitute address shall not be used for purposes
9 of listing, appraising, or assessing property taxes and
10 collecting property taxes.

11 (f) Whenever a program participant is required by law to
12 swear or affirm to the participant's address, the participant
13 may use the participant's substitute address.

14 (g) The substitute address shall not be used for purposes
15 of assessing any taxes or fees on a motor vehicle or for titling
16 or registering a motor vehicle. Notwithstanding any provision
17 to the contrary, any record that includes a program
18 participant's actual address pursuant to this subsection shall
19 be confidential and not available for inspection by anyone other
20 than the program participant.



1 (h) The substitute address shall not be used on any
2 document related to real property recorded with a county clerk
3 and recorder.

4 (i) A school district shall accept the substitute address
5 as the address of record and shall verify student enrollment
6 eligibility through the program. The program shall facilitate
7 the transfer of student records from one school to another.

8 (j) Except as otherwise provided in this section, a
9 program participant's actual address and telephone number
10 maintained by a state or local government agency or disclosed by
11 program pursuant to section -8 is not a public record that is
12 subject to inspection.

13 This subsection shall not apply to:

14 (1) Any public record created more than ninety days prior
15 to the date that the program participant applied to be
16 certified in the program; or

17 (2) Any public record for which a program participant
18 voluntarily requests that a state or local government
19 agency use the participant's actual address or
20 voluntarily provides the actual address.



1 (k) For any public record created within ninety days prior
2 to the date that a program participant applied to be certified
3 in the program, a state or local government agency shall redact
4 the actual address or change the actual address to the
5 substitute address upon request by the participant and
6 presentation of a current and valid program authorization card.

7 § -7 Disclosure of actual address prohibited. (a) The
8 program is prohibited from disclosing any address or telephone
9 number of a program participant other than the substitute
10 address except under the following circumstances:

- 11 (1) The information is required by a court order; provided
12 that any person to whom a program participant's
13 address or telephone number has been disclosed shall
14 not disclose the address or telephone number to any
15 other person unless ordered or permitted to do so by
16 the court;
- 17 (2) An agency request granted pursuant to section . -8; or
- 18 (3) The program participant is required to disclose the
19 participant's actual address as part of a registration
20 required by chapter 846E.



1 The program shall provide immediate notification of
2 disclosure to a program participant when disclosure is made
3 pursuant to paragraphs (1) or (2).

4 (b) If, at the time of certification as a program
5 participant under section -3, an applicant or an individual
6 designated in section -3(c)(10) is involved in a judicial
7 proceeding or is subject to a court order related to dissolution
8 of marriage proceedings, child support, or the allocation of
9 parental responsibilities or parenting time, the program shall
10 notify the court that has jurisdiction over the proceeding or
11 issued the order of the program participant's certification in
12 the address confidentiality program and the substitute address.

13 (c) No person shall knowingly and intentionally obtain a
14 program participant's actual address or telephone number from
15 the program or any agency if the person is not authorized to
16 obtain the information.

17 (d) No personnel of the program or of any agency shall
18 knowingly and intentionally disclose a program participant's
19 actual address or telephone number unless the disclosure is
20 required by or permissible by law. This subsection shall only
21 apply to a participant's actual address or telephone number



1 obtained during the course of official duties and for which, at
2 the time of disclosure, the person has specific knowledge that
3 the actual address or telephone number disclosed belongs to a
4 participant.

5 (e) Any person who knowingly and intentionally obtains or
6 discloses information in violation of this chapter shall be
7 guilty of a misdemeanor.

8 § -8 Request for disclosure. (a) A state or local
9 government agency requesting disclosure of a program
10 participant's actual address pursuant to this section shall make
11 such a request in writing on agency letterhead and shall provide
12 the following information:

13 (1) The name of the program participant whose actual
14 address the agency seeks;

15 (2) A statement, with explanation, setting forth the
16 reason or reasons that the agency needs the program
17 participant's actual address and a statement that the
18 agency cannot meet its statutory or administrative
19 obligations without disclosure of the participant's
20 actual address;



1 (3) A particular statement of facts showing that other
2 methods to locate the program participant or the
3 participant's actual address have been tried and have
4 failed or that the methods reasonably appear to be
5 unlikely to succeed;

6 (4) A statement that the agency has adopted a procedure
7 setting forth the steps the agency will take to
8 protect the confidentiality of the program
9 participant's actual address; and

10 (5) Any other information that the program may reasonably
11 request in order to identify the program participant
12 in the program's records.

13 (b) The program shall provide the program participant with
14 notice of any request for disclosure received pursuant to this
15 section, and, to the extent possible, the participant shall be
16 afforded an opportunity to be heard regarding the request.

17 Except as otherwise provided, the program shall provide the
18 program participant with written notification whenever a request
19 for a disclosure has been granted or denied pursuant to this
20 section.



1 No notice or opportunity to be heard shall be given to the
2 program participant when the request for disclosure is made by a
3 state or local law enforcement agency conducting a criminal
4 investigation involving alleged criminal conduct by the
5 participant or when providing notice to the participant would
6 jeopardize an ongoing criminal investigation or the safety of
7 law enforcement personnel.

8 (c) The program shall promptly conduct a review of all
9 requests received pursuant to this section. In conducting a
10 review, the program shall consider all information received
11 pursuant to subsections (a) and (b) and any other appropriate
12 information that the program may require.

13 (d) The program shall grant a state or local government
14 agency's request for disclosure and disclose a program
15 participant's actual address pursuant to this section if:

- 16 (1) The agency has a bona fide statutory or administrative
17 need for the actual address;
- 18 (2) The actual address will only be used for the purpose
19 stated in the request;
- 20 (3) Other methods to locate the program participant or the
21 participant's actual address have been tried and have



1 failed or such methods reasonably appear to be
2 unlikely to succeed; and
3 (4) The agency has adopted a procedure for protecting the
4 confidentiality of the actual address of the program
5 participant.
6 (e) Upon granting a request for disclosure pursuant to
7 this section, the program shall provide the state or local
8 government agency with:
9 (1) The program participant's actual address;
10 (2) A statement setting forth the permitted use of the
11 actual address and the names or classes of persons
12 permitted to have access to and use of the actual
13 address;
14 (3) A statement that the agency is required to limit
15 access to and use of the actual address to the
16 permitted use and persons set forth in the disclosure;
17 and
18 (4) The date on which the permitted use expires, if
19 expiration is appropriate, after which the agency may
20 no longer maintain, use, or have access to the actual
21 address.



- 1 (f) A state or local government agency whose request is
2 granted pursuant to this section shall:
- 3 (1) Limit the use of the program participant's actual
4 address to the purposes set forth in the disclosure;
- 5 (2) Limit the access to the program participant's actual
6 address to the persons or classes of persons set forth
7 in the disclosure;
- 8 (3) Cease to use and dispose of the program participant's
9 actual address upon the expiration of the permitted
10 use, if applicable; and
- 11 (4) Except as otherwise set forth in the disclosure,
12 maintain the confidentiality of a program
13 participant's actual address.
- 14 (g) Upon denial of a state or local government agency's
15 request for disclosure, the program shall provide prompt written
16 notification to the agency stating that the agency's request has
17 been denied and setting forth the specific reasons for the
18 denial.
- 19 (h) A state or local government agency may file written
20 exceptions with the program no more than fifteen days after
21 written notification of denial is provided pursuant to



1 subsection (g). The exceptions shall restate the information
2 contained in the request for disclosure, state the grounds upon
3 which the agency asserts that the request for disclosure should
4 be granted, and specifically respond to the specific reasons for
5 denial.

6 (i) Unless the state or local government agency filing
7 exceptions agrees otherwise, the program shall make a final
8 determination regarding the exceptions within thirty days after
9 the filing of exceptions pursuant to subsection (h). Prior to
10 making a final determination regarding the exceptions, the
11 program may request additional information from the agency or
12 the program participant and conduct a hearing. If the final
13 determination of the director or the director's designee is that
14 the denial of the agency's request for disclosure was properly
15 denied, the program shall provide the agency with written
16 notification of this final determination stating that the
17 agency's request has again been denied and setting forth the
18 specific reasons for the denial. If the final determination is
19 that the agency's request for disclosure was improper, the
20 program shall grant the agency's request for disclosure in
21 accordance with this section. The final determination of the



1 program shall constitute final agency action subject to review
2 by chapter 91.

3 (j) The record before any judicial review of a final
4 agency action pursuant to subsection (i) shall consist of the
5 state or local government agency's request for disclosure, the
6 program's written response, the agency's exceptions, the hearing
7 transcript, if any, and the program's final determination.

8 (k) During any period of review, evaluation, or appeal,
9 the agency shall, to the extent possible, accept and use the
10 program participant's substitute address.

11 (l) Notwithstanding any other provision of this section,
12 the program shall establish an expedited process for disclosure
13 to be used by a criminal justice official or agency for
14 situations where disclosure is required pursuant to a criminal
15 justice trial, hearing, proceeding, or investigation involving a
16 program participant. An official or agency receiving
17 information pursuant to this subsection shall certify to the
18 program that the official or agency has a system in place to
19 protect the confidentiality of a participant's actual address
20 from the public and from personnel who are not involved in the
21 trial, hearing, proceeding, or investigation.



1 (m) Nothing in this section shall be construed to prevent
2 the program from granting a request for disclosure to a state or
3 local government agency received pursuant to this section upon
4 receipt of the program participant's written consent to do so.

5 § -9 Nondisclosure of address in criminal and civil
6 proceedings. No person shall be compelled to disclose a program
7 participant's actual address during the discovery phase of or
8 during a proceeding before a court or administrative tribunal
9 unless the court or administrative tribunal finds, based upon a
10 preponderance of the evidence, that the disclosure is required
11 in the interests of justice. A court or administrative tribunal
12 may seal the portion of any record that contains a program
13 participant's actual address. Nothing in this section shall
14 prevent a state or local government agency, in its discretion,
15 from using a program participant's actual address in any
16 document or record filed with a court or administrative tribunal
17 if, at the time of filing, the document or record is not a
18 public record.

19 § -10 Participation in the program; orders relating to
20 allocation of parental responsibilities or parenting time. (a)
21 Nothing in this chapter, nor the fact of a party's participation



1 in the program, shall affect an order relating to the allocation
2 of parental responsibilities or parenting time in effect prior
3 to or during program participation.

4 (b) Program participation, by itself, shall not constitute
5 evidence of domestic violence, a sexual offense, or stalking and
6 shall not be considered for purposes of a court order allocating
7 parental responsibilities or parenting time; provided that a
8 court may consider practical measures to keep a program
9 participant's actual address confidential when issuing an order
10 allocating parental responsibilities or parenting time.

11 § -11 Rulemaking authority. The comptroller shall adopt
12 rules pursuant to chapter 91 as necessary to carry out the
13 provisions of this chapter.

14 § -12 Surcharge; collection and distribution; address
15 confidentiality program surcharge fund; definitions. (a) On
16 and after July 1, 2015, each person who is convicted of the
17 crimes set forth in subsection (b) of this section shall be
18 ordered to pay an address confidentiality program surcharge of
19 \$28 to the clerk of the court for the judicial district in which
20 the conviction occurs.



1 (b) Convictions under the following crimes shall be
2 subject to the address confidentiality program surcharge set
3 forth in subsection (a):

4 (1) Stalking;

5 (2) A crime, the underlying factual basis of which has
6 been found by the court on the record to include an
7 act of domestic violence or a sexual offense; or

8 (3) Criminal attempt, conspiracy, or solicitation to
9 commit the crimes set forth in paragraphs (1) and (2).

10 (c) The clerk of the court shall allocate the address
11 confidentiality program surcharge required by this section as
12 follows:

13 (1) Five per cent shall be retained by the clerk of the
14 court for administrative costs incurred pursuant to
15 this section. The amount retained shall be
16 transmitted to the state director of finance for
17 deposit in the crime victim compensation special fund
18 pursuant to section 351-62.5; and

19 (2) Ninety-five per cent shall be transmitted to the state
20 director of finance, who shall credit the same to the



1 address confidentiality program surcharge fund created
2 pursuant to subsection (d).

3 (d) There is established in the state treasury the address
4 confidentiality program surcharge fund, which shall consist of
5 moneys received pursuant to this section, and any gifts, grants,
6 or donations received by the program for the address
7 confidentiality program surcharge fund pursuant to subsection
8 (f). The moneys in the fund shall be subject to annual
9 appropriation for the purpose of paying for the administration
10 costs incurred by the program. All interest derived from the
11 deposit and investment of moneys in the address confidentiality
12 program surcharge fund shall be credited to the fund. Moneys in
13 the address confidentiality program surcharge fund shall not
14 lapse to the general fund at the end of any fiscal year.

15 (e) The court may waive all or any portion of the address
16 confidentiality program surcharge required by this section if
17 the court finds that a person subject to the address
18 confidentiality program surcharge is indigent or financially
19 unable to pay all or any portion of the address confidentiality
20 program surcharge. The court may waive only that portion of the



1 address confidentiality program surcharge that the court finds
2 that the person is financially unable to pay.

3 (f) The program is authorized to seek, accept, and expend
4 gifts, grants, and donations from private or public sources for
5 the implementation of the program. All private and public funds
6 received through gifts, grants, and donations shall be
7 transmitted to the state director of finance, who shall transmit
8 the same to the address confidentiality program surcharge fund.

9 (g) As used in this section, "convicted" and "conviction"
10 mean a plea of guilty accepted by the court, including a plea of
11 guilty entered pursuant to a deferred sentence, a verdict of
12 guilty by a judge or jury, or a plea of no contest accepted by
13 the court."

14 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Address Confidentiality Program; Domestic Violence; Sexual
Offense; Stalking

Description:

Establishes the Address Confidentiality Program to help
survivors of domestic violence, sexual assault, and stalking to
relocate and keep their addresses confidential. Creates the
Address Confidentiality Program Surcharge Fund. (HB446 HD1)

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

