

HOUSE BILL REPORT

HB 2156

*As Reported By House Committee on:
State Government*

Title: An act relating to the disclosure of information from public records by state and local agencies.

Brief Description: Restricting disclosure of public records containing addresses of victims of domestic violence.

Sponsor(s): Representatives Anderson, Bowman, Pruitt, Ludwig, Brekke, Van Luven, Moyer, Ferguson, D. Sommers, Chandler, Hine, Mitchell, Hochstatter, Winsley, Rasmussen and Brough.

Brief History:

Reported by House Committee on:
State Government, March 5, 1991, DP.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *Do pass.* Signed by 10 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Staff: Tim Burke (786-7103).

Background: During the 1990 Regular Session, a law was enacted generally restricting state and local government agencies from disclosing address records of persons who request that the records be maintained as confidential because disclosure would endanger them or their property. Notwithstanding its broad scope, this law was designed primarily to assist victims of domestic violence who are attempting to reduce the risk of additional victimization by establishing new addresses not known by their assaultive spouses or former domestic partners.

Many state and local agencies and some business groups complained that the law was too broad and not workable. Responding to these complaints, the Legislature, in the 1990 Special Session and again during the 1991 Regular Session, amended the law to postpone its effective date. Under the latest postponement, the effective date is April 19, 1991.

Summary of Bill: Persons who move and establish new addresses in order to prevent their assaultive, former household members from finding them are permitted to participate in a state program under which they may use the office address of the secretary of state as their address.

Persons wishing to participate in this program must apply with the secretary of state. Their applications must include a sworn statement that they believe they are under serious threat of being harmed by a former household member and that their use of the secretary of state's office address will reduce that threat. Parents or guardians are also permitted to file applications on behalf of their children or wards whom they believe to be threatened by a former household member.

Upon application approval, the secretary of state will provide the applicants with a certificate authorizing them, for a period of one year, to use the secretary of state's address in lieu of their actual addresses. This authorization extends to all communications and transactions, except that certificate holders are not authorized to use the secretary of state's address in registering to vote or for any voting purpose. They are entitled, however, to obtain restrictions on their address information in voting records.

The secretary of state will forward all mail received for certificate holders to the holders' actual (or mailing) addresses. The secretary of state also will serve as the holders' agent for purposes of service of process. Information in the custody of the secretary of state showing the holders' actual addresses may not be disclosed except to a law enforcement agency or when directed by court order. The same disclosure restrictions apply to voter records for which certificate holders have obtained confidentiality.

Fiscal Note: Requested March 2, 1991.

Effective Date: The bill contains an emergency clause under which the 1990 law would be repealed as soon as the bill is signed by the governor or allowed to become law without his signature. The new program - Sections 1 through 9 - would become effective 90 days after adjournment of the session in which the bill passes the Legislature.

Testimony For: None.

Testimony Against: None.

Witnesses: (Taken from testimony on bill dealing with same subject but in different manner) Pam Davenport, Office of

the Secretary of State; Bev Allenbaugh, Kittitas County Auditor; Karen Flynn, Kitsap County Auditor; Bob Terwilliger, Office of Snohomish County Auditor; Mike Murphy, Thurston County Treasurer; Ron Strabbing, Grays Harbor Treasurer; Debra Senn and Mary Pontarolo, Coalition Against Domestic Violence; Graham Johnson, Public Disclosure Commission; Clark Holloway, Department of Licensing; John Woodring and Cathy Robinett, WA Association of Realtors; Chet Wainhouse, WA Land Title Association; Bill Fritz, Julie Sundin and Bill Tener, TRW; Judy Bedell, City of Seattle; Kathleen Collins, Association of WA Cities; Fred Saeger, WA Association of County Officials; Colleen Waterhouse, Department of Social and Health Services; Roland Thompson, Allied Daily Newspapers; Chip Holcomb, Assistant Attorney General; and Bill Williams, Assistant Attorney General, Department of Health.