

**SENATE BILL REPORT**

**ESB 5906**

**AS PASSED SENATE, APRIL 18, 1991**

**Brief Description:** Relating to protecting persons seriously threatened by domestic violence by restricting disclosure of their names or addresses.

**SPONSORS:** Senators Rinehart, McCaslin and Talmadge.

**SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS**

**Staff:** Rod McAulay (786-7754)

**BACKGROUND:**

Records, including the names and addresses of citizens, maintained by state and local governments are generally available for inspection by the public. Persons who have committed acts of domestic violence may use these records to locate a former spouse or domestic partner who is attempting to avoid further contact.

In 1990, the Legislature enacted a law prohibiting the disclosure by state and local governmental agencies of the names and addresses of persons when that person made a request in writing under oath through the Secretary of State stating that disclosure would endanger any person's life, safety or property. This law was to become effective on March 1, 1991, but because of technical and administrative difficulties, its effective date was deferred by legislation enacted early in the 1991 session until April 19, 1991 to allow time to develop appropriate remedies which would not impinge upon the mandated duties of government of the basic needs of commerce.

**SUMMARY:**

A person, acting alone or through a guardian or parent, may apply to the Secretary of State to designate an alternate address which may be used in state or local public records when requested by the applicant. The application must include a sworn statement that the applicant or ward is a victim of domestic violence and fears for his or her or his or her children's safety. When all required information is properly provided, the Secretary of State shall certify the person or ward as a "program participant."

The Secretary of State shall accept service of process on behalf of the participant and shall accept and forward any first class mail. The Secretary of State shall retain the participant's true address and telephone number and may contact them directly.

When requested, state and local agencies shall use the designated address unless the agency has a bona fide statutory

or administrative requirement for the use of the actual address and the actual address is used only for that purpose. Actual addresses may also be disclosed to law enforcement agencies for law enforcement purposes or pursuant to a court order.

With regard to voter registration records, a program participant may be treated in the same manner as persons in the armed services, receiving a continuing absentee ballot at an address designated by the participant.

With regard to marriage applications and records, when requested by a participant, a county auditor shall not disclose either the name or address of the participant unless requested by a law enforcement agency for law enforcement purposes or unless directed by a court order.

The protection shall remain in effect for a period of four years unless a participant changes their actual address without notifying the Secretary of State, changes their name, makes a false statement on their application, or any mail forwarded by the Secretary of State is returned undeliverable, in which event the protection shall be canceled.

The Secretary of State may designate state and local agencies and nonprofit agencies that provide shelter and counseling services to victims of domestic violence to assist persons in applying to be program participants.

The Secretary of State shall report to the Legislature by July 1, 1992 regarding additional records for which a substitute address may not be possible but for which address information protection may be desirable.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**Effective Date:** The bill contains an emergency clause and takes effect immediately.