

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2351

Chapter 138, Laws of 1998

55th Legislature
1998 Regular Session

INCLUDING VICTIMS OF SEXUAL ASSAULT IN THE ADDRESS CONFIDENTIALITY
PROGRAM

EFFECTIVE DATE: 6/11/98

Passed by the House March 7, 1998
Yeas 95 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1998
Yeas 46 Nays 0

BRAD OWEN
President of the Senate

Approved March 25, 1998

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2351** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 25, 1998 - 4:24 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2351

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By House Committee on Government Administration (originally sponsored by Representatives McDonald, Costa, L. Thomas, Scott, Gardner, Linville, Hatfield, Benson, Keiser, Romero, Butler, Dunshee, Kessler, Kenney, Cooke, Mitchell, Cooper, Kastama, Dunn, Lambert, Constantine, Sullivan, Conway and Lantz; by request of Secretary of State)

Read first time 01/20/98. Referred to Committee on .

1 AN ACT Relating to the address confidentiality program; amending
2 RCW 40.24.010, 40.24.030, 40.24.070, and 40.24.080; and repealing RCW
3 40.24.900.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 40.24.010 and 1991 c 23 s 1 are each amended to read
6 as follows:

7 The legislature finds that persons attempting to escape from actual
8 or threatened domestic violence or sexual assault frequently establish
9 new addresses in order to prevent their assailants or probable
10 assailants from finding them. The purpose of this chapter is to enable
11 state and local agencies to respond to requests for public records
12 without disclosing the location of a victim of domestic violence or
13 sexual assault, to enable interagency cooperation with the secretary of
14 state in providing address confidentiality for victims of domestic
15 violence or sexual assault, and to enable state and local agencies to
16 accept a program participant's use of an address designated by the
17 secretary of state as a substitute mailing address.

1 **Sec. 2.** RCW 40.24.030 and 1991 c 23 s 3 are each amended to read
2 as follows:

3 (1) An adult person, a parent or guardian acting on behalf of a
4 minor, or a guardian acting on behalf of an incapacitated person, as
5 defined in RCW 11.88.010, may apply to the secretary of state to have
6 an address designated by the secretary of state serve as the person's
7 address or the address of the minor or incapacitated person. The
8 secretary of state shall approve an application if it is filed in the
9 manner and on the form prescribed by the secretary of state and if it
10 contains:

11 (a) A sworn statement by the applicant that the applicant has good
12 reason to believe (i) that the applicant, or the minor or incapacitated
13 person on whose behalf the application is made, is a victim of domestic
14 violence or sexual assault; and (ii) that the applicant fears for his
15 or her safety or his or her children's safety, or the safety of the
16 minor or incapacitated person on whose behalf the application is made;

17 (b) A designation of the secretary of state as agent for purposes
18 of service of process and for the purpose of receipt of mail;

19 (c) The mailing address where the applicant can be contacted by the
20 secretary of state, and the phone number or numbers where the applicant
21 can be called by the secretary of state;

22 (d) The new address or addresses that the applicant requests not be
23 disclosed for the reason that disclosure will increase the risk of
24 domestic violence or sexual assault;

25 (e) The signature of the applicant and of any individual or
26 representative of any office designated in writing under RCW 40.24.080
27 who assisted in the preparation of the application, and the date on
28 which the applicant signed the application.

29 (2) Applications shall be filed with the office of the secretary of
30 state.

31 (3) Upon filing a properly completed application, the secretary of
32 state shall certify the applicant as a program participant. Applicants
33 shall be certified for four years following the date of filing unless
34 the certification is withdrawn or invalidated before that date. The
35 secretary of state shall by rule establish a renewal procedure.

36 (4) A person who falsely attests in an application that disclosure
37 of the applicant's address would endanger the applicant's safety or the
38 safety of the applicant's children or the minor or incapacitated person
39 on whose behalf the application is made, or who knowingly provides

1 false or incorrect information upon making an application, shall be
2 punishable under RCW 40.16.030 or other applicable statutes.

3 **Sec. 3.** RCW 40.24.070 and 1991 c 23 s 7 are each amended to read
4 as follows:

5 The secretary of state may not make any records in a program
6 participant's ~~((address, other than the address designated by the~~
7 ~~secretary of state,))~~ file available for inspection or copying, other
8 than the address designated by the secretary of state, except under the
9 following circumstances:

10 (1) If requested by a law enforcement agency, to the law
11 enforcement agency;

12 (2) If directed by a court order, to a person identified in the
13 order; ~~((and))~~

14 (3) If certification has been canceled; or

15 (4) To verify the participation of a specific program participant,
16 in which case the secretary may only confirm information supplied by
17 the requester.

18 **Sec. 4.** RCW 40.24.080 and 1991 c 23 s 8 are each amended to read
19 as follows:

20 The secretary of state shall designate state and local agencies and
21 nonprofit agencies that provide counseling and shelter services to
22 either victims of domestic violence or sexual assault to assist persons
23 applying to be program participants. Any assistance and counseling
24 rendered by the office of the secretary of state or its designees to
25 applicants shall in no way be construed as legal advice.

26 NEW SECTION. **Sec. 5.** RCW 40.24.900 and 1991 c 23 s 16 are each
27 repealed.

Passed the House March 7, 1998.

Passed the Senate March 4, 1998.

Approved by the Governor March 25, 1998.

Filed in Office of Secretary of State March 25, 1998.