

# SENATE BILL REPORT

## SHB 1421

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As Reported By Senate Committee On:  
Government Operations & Elections, February 22, 2008

**Title:** An act relating to modifying the provisions of the address confidentiality program.

**Brief Description:** Modifying address confidentiality program provisions.

**Sponsors:** House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Green, Miloscia, Kretz, Armstrong, Appleton, Kessler, Ormsby, Warnick and Moeller; by request of Secretary of State).

**Brief History:** Passed House: 2/13/08, 96-0.

**Committee Activity:** Government Operations & Elections: 2/22/08 [DP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, McDermott, Pridemore and Swecker.

**Staff:** Khalia Gibson (786-7460)

**Background:** The Address Confidentiality Program (ACP) allows victims of domestic violence, sexual assault, or stalking to have an alternative address designated as the victim's substitute mailing address. The ACP also allows state and local agencies to comply with requests for public records without disclosing the confidential location of the victim. Applicants are certified as program participants for four years, subject to renewal, withdrawal, or invalidation.

Other than the alternate address designated by the Secretary of State (Secretary), information in the participant's file is not subject to disclosure except in the following circumstances: the request is made by a law enforcement agency or directed by court order, or for purposes of verifying that a person is a participant in the ACP.

The Secretary may cancel a person's participation in the ACP if the participant's residential address changes and that person fails to give the Secretary at least seven days notice of the address change, or if mail forwarded by the Secretary to the participant is returned non-deliverable. The Secretary must cancel a person's participation in the ACP if the participant changes his or her name or if the participant provides false information in the application.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** A definition for stalking is added to the ACP statute. Stalking is defined to have the same meaning as used in criminal statutes on harassment, and also includes the threat of being stalked, regardless of whether the acts of stalking or threats of stalking have been reported to law enforcement officers. A person who applies to participate in the ACP must include an address where the applicant can be contacted by the Secretary. The Secretary may cancel a person's participation in the ACP if there is a change in the person's residential address but the person fails to notify the Secretary in writing within at least two days of the address change. A participant in the ACP loses certification as a participant if the participant obtains a legal change of identity. Except for the address designated by the Secretary, a participant's records may only be released by the Secretary and pursuant to court order.

The sworn statement by the applicant for the ACP is made under penalty of perjury. If applicable, a sworn statement is made by the applicant for the ACP that the applicant has reason to believe they are a victim of domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency.

If requested by a law enforcement agency, the Secretary may make a participant's file available to the law enforcement agency if the participant did not indicate that the perpetrator of the domestic violence, sexual assault, or stalking was a law enforcement employee. This request must be made in accordance with official law enforcement duties, be in writing on official law enforcement letterhead, and signed by the law enforcement agency's chief officer or designee. The Secretary may make a participant's file available under court order, to the person identified in the order, if the request is made by a non-law enforcement agency or when the participant's file indicates that the participant has reason to believe the perpetrator of the domestic violence, sexual assault, or stalking is a law enforcement employee.

A court order for ACP program participants may only be issued upon a finding of probable cause by a judicial officer that they release of the ACP participant's information is legally necessary in the course of a criminal investigation or prosecution, or to prevent the immediate risk to a minor and meets the statutory requirements of Washington's child welfare system. Obsolete references to "service voter" are replaced with current "absentee voter" designations.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Substitute Bill:** PRO: This is the closest thing we have to a witness protection program in Washington State. Over the interim, the Secretary of State's office worked with the Attorney General's Office, prosecutors, and victim's advocates to formulate this language. The main change to the bill this session is the addition of a domestic violence, sexual assault, or stalking checkbox which will only release participant information upon receipt of a court order. There is now greater clarity for the circumstances under which information is released.

**Persons Testifying:** PRO: Dave Johnson, Washington Coalition of Crime Victim Advocates; Megan Moreno, Office of the Secretary of State.