

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6339

Chapter 312, Laws of 2008

60th Legislature
2008 Regular Session

TRAFFICKING--VICTIMS--ADDRESS CONFIDENTIALITY

EFFECTIVE DATE: 06/12/08

Passed by the Senate March 10, 2008
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 4, 2008
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 1, 2008, 3:57 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6339** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 2, 2008

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6339

AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Swecker, Hargrove, Regala, Fraser, Marr, and Kauffman)

READ FIRST TIME 01/24/08.

1 AN ACT Relating to address confidentiality of victims of
2 trafficking; and amending RCW 40.24.010, 40.24.020, 40.24.030, and
3 40.24.080.

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

5 **Sec. 1.** RCW 40.24.010 and 2001 c 28 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, sexual assault, trafficking, or
9 stalking frequently establish new addresses in order to prevent their
10 assailants or probable assailants from finding them. The purpose of
11 this chapter is to enable state and local agencies to respond to
12 requests for public records without disclosing the location of a victim
13 of domestic violence, sexual assault, trafficking, or stalking, to
14 enable interagency cooperation with the secretary of state in providing
15 address confidentiality for victims of domestic violence, sexual
16 assault, trafficking, or stalking, and to enable state and local
17 agencies to accept a program participant's use of an address designated
18 by the secretary of state as a substitute mailing address.

1 **Sec. 2.** RCW 40.24.020 and 1991 c 23 s 2 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Address" means a residential street address, school address,
6 or work address of an individual, as specified on the individual's
7 application to be a program participant under this chapter.

8 (2) "Program participant" means a person certified as a program
9 participant under RCW 40.24.030.

10 (3) "Domestic violence" means an act as defined in RCW 10.99.020
11 and includes a threat of such acts committed against an individual in
12 a domestic situation, regardless of whether these acts or threats have
13 been reported to law enforcement officers.

14 (4) "Trafficking" means an act as defined in RCW 9A.40.100 or an
15 act recognized as a severe form of trafficking under 22 U.S.C. Sec.
16 7102(8) as it existed on the effective date of this subsection, or such
17 subsequent date as may be provided by the secretary of state by rule,
18 consistent with the purposes of this subsection, regardless of whether
19 the act has been reported to law enforcement.

20 **Sec. 3.** RCW 40.24.030 and 2001 c 28 s 2 are each amended to read
21 as follows:

22 (1) An adult person, a parent or guardian acting on behalf of a
23 minor, or a guardian acting on behalf of an incapacitated person, as
24 defined in RCW 11.88.010, may apply to the secretary of state to have
25 an address designated by the secretary of state serve as the person's
26 address or the address of the minor or incapacitated person. The
27 secretary of state shall approve an application if it is filed in the
28 manner and on the form prescribed by the secretary of state and if it
29 contains:

30 (a) A sworn statement by the applicant that the applicant has good
31 reason to believe (i) that the applicant, or the minor or incapacitated
32 person on whose behalf the application is made, is a victim of domestic
33 violence, sexual assault, trafficking, or stalking; and (ii) that the
34 applicant fears for his or her safety or his or her children's safety,
35 or the safety of the minor or incapacitated person on whose behalf the
36 application is made;

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

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

6 (d) The new address or addresses that the applicant requests not be
7 disclosed for the reason that disclosure will increase the risk of
8 domestic violence, sexual assault, trafficking, or stalking;

9 (e) The signature of the applicant and of any individual or
10 representative of any office designated in writing under RCW 40.24.080
11 who assisted in the preparation of the application, and the date on
12 which the applicant signed the application.

13 (2) Applications shall be filed with the office of the secretary of
14 state.

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

20 (4) A person who falsely attests in an application that disclosure
21 of the applicant's address would endanger the applicant's safety or the
22 safety of the applicant's children or the minor or incapacitated person
23 on whose behalf the application is made, or who knowingly provides
24 false or incorrect information upon making an application, shall be
25 punishable under RCW 40.16.030 or other applicable statutes.

26 **Sec. 4.** RCW 40.24.080 and 2001 c 28 s 3 are each amended to read
27 as follows:

28 The secretary of state shall designate state and local agencies and
29 nonprofit agencies that provide counseling and shelter services to
30 victims of domestic violence, sexual assault, trafficking, or stalking
31 to assist persons applying to be program participants. Any assistance
32 and counseling rendered by the office of the secretary of state or its
33 designees to applicants shall in no way be construed as legal advice.

Passed by the Senate March 10, 2008.

Passed by the House March 4, 2008.

Approved by the Governor April 1, 2008.

Filed in Office of Secretary of State April 2, 2008.