

HOUSE BILL REPORT

HB 1511

*As Reported By House Committee on:
State Government
Appropriations*

Title: An act relating to 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, Silver, Pruitt, Winsley, Leonard, Riley, Beck, H. Myers, R. King, Wynne, Van Luven, Ludwig, Orr, Brekke, Roland and Brough.

Brief History:

Reported by House Committee on:
State Government, February 8, 1991, DPA;
Appropriations, February 21, 1991, DPS.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *Do pass as amended.* 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, amended the law to postpone its effective date to March 1, 1991. The postponement was intended to

enable the Legislature to enact a remedial law early in the 1991 Regular Session, before the March 1st effective date.

Summary of Amended 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.

Amended Bill Compared to Original Bill: The original bill generally restricts state and local government agencies from disclosing the new addresses of persons who are threatened by former household members and who participate in the program created under the bill. The amended bill eliminates this disclosure prohibition and generally permits such threatened persons to obtain address confidentiality by using the address of the office of Secretary of State as their own address.

Fiscal Note: Requested February 11, 1991 (on amended bill).

Effective Date of Amended Bill: 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 1-8) would become effective 90 days after adjournment of the session in which the bill passes the Legislature.

Testimony For: Persons who establish new addresses in order to escape from assaultive, former household members should be able to obtain confidentiality of public records containing their new addresses. Breaches of this confidentiality should be discouraged by subjecting violators to tort liability and large fines. The bill's enactment is necessary to prevent the 1990 law from becoming effective. (This testimony was on bill without amendments.)

Testimony Against: A statutory prohibition against disclosing public records containing the new addresses of domestic violence victims would be very disruptive on some businesses and government agencies and, because of title insurance requirements, would prevent some real estate transactions. The bill's tort and penalty provisions are too severe. (This testimony was on bill without amendments.)

Witnesses: 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 Auditor; 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.

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: That Substitute House Bill No. 1511 be substituted therefor, and the substitute bill do pass. Signed by 21 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Appelwick; Belcher; Bowman; Brekke; Ebersole; Ferguson; Hine; Lisk; May; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Minority Report: Do not pass. Signed by 1 member:
Representative McLean.

Staff: Marilyn Showalter (786-7148).

**Summary of Recommendation of Committee on Appropriations
Compared to Recommendation of Committee on State Government:**
The substitute bill extends the effective date of the 1990
law to July 1, 1992. All other provisions of the original
bill as amended are removed.

Fiscal Note: Not requested for substitute bill.

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

Testimony For: There is a need for confidentiality of the
names and/or addresses of individuals trying to escape
domestic violence. State and local agencies need ways to
protect these records and at the same time perform their
general functions. Some businesses, for example title
companies, also need access to records that may need to be
protected for other purposes.

Testimony Against: None.

Witnesses: Don Whiting, Secretary of State's Office; Chet
Wainhouse, Washington Land Title Association; Debra Senn,
Washington State Coalition Against Domestic Violence;
Jeralita Costa, Washington Coalition of Crime Victims
Advocates; Bill Fritz, TRW; Karen Flynn, Kitsap County
Auditor; Elaine Rose, City of Seattle; and Mary Pontarolo,
Washington State Coalition Against Domestic Violence.