

2 **SHB 2351** - S COMM AMD
3 By Committee on Government Operations

4 ADOPTED 3/4/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 40.24.010 and 1991 c 23 s 1 are each amended to read
8 as follows:

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

20 **Sec. 2.** RCW 40.24.030 and 1991 c 23 s 3 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 or sexual assault; and (ii) that the applicant fears for his
34 or her safety or his or her children's safety, or the safety of the
35 minor or incapacitated person on whose behalf the 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 or sexual assault;

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

28 The secretary of state may not make any records in a program
29 participant's ~~((address, other than the address designated by the~~
30 ~~secretary of state,))~~ file available for inspection or copying, other
31 than the address designated by the secretary of state, except under the
32 following circumstances:

33 (1) If requested by a law enforcement agency, to the law
34 enforcement agency;

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

37 (3) If certification has been canceled; or

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

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

6 The secretary of state shall designate state and local agencies and
7 nonprofit agencies that provide counseling and shelter services to
8 either victims of domestic violence or sexual assault to assist persons
9 applying to be program participants. Any assistance and counseling
10 rendered by the office of the secretary of state or its designees to
11 applicants shall in no way be construed as legal advice.

12 NEW SECTION. **Sec. 5.** RCW 40.24.900 and 1991 c 23 s 16 are each
13 repealed."

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17 On page 1, line 1 of the title, after "program;" strike the
18 remainder of the title and insert "amending RCW 40.24.010, 40.24.030,
19 40.24.070, and 40.24.080; and repealing RCW 40.24.900."

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