
SUBSTITUTE HOUSE BILL 2351

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, and 40.24.080; and repealing RCW 40.24.900.

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

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

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

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

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

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

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

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

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

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

27 (2) Applications shall be filed with the office of the secretary of
28 state.

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

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

1 **Sec. 3.** RCW 40.24.080 and 1991 c 23 s 8 are each amended to read
2 as follows:

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

9 NEW SECTION. **Sec. 4.** RCW 40.24.900 and 1991 c 23 s 16 are each
10 repealed.

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