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HOUSE BILL 1546

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Schual-Berke, Campbell, Ballasiotes, D. Schmidt, Simpson, Conway, Keiser, Darneille, Kagi, Woods, Ruderman, Hurst and McIntire; by request of Secretary of State

Read first time 01/29/2001. Referred to Committee on State Government.

1 AN ACT Relating to address confidentiality for victims of stalking;  
2 and amending RCW 40.24.010, 40.24.030, and 40.24.080.

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

4 **Sec. 1.** RCW 40.24.010 and 1998 c 138 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, or stalking  
8 frequently establish new addresses in order to prevent their assailants  
9 or probable assailants from finding them. The purpose of this chapter  
10 is to enable state and local agencies to respond to requests for public  
11 records without disclosing the location of a victim of domestic  
12 violence ~~((or))~~ sexual assault, or stalking, to enable interagency  
13 cooperation with the secretary of state in providing address  
14 confidentiality for victims of domestic violence ~~((or))~~ sexual  
15 assault, or stalking, and to enable state and local agencies to accept  
16 a program participant's use of an address designated by the secretary  
17 of state as a substitute mailing address.

1       **Sec. 2.** RCW 40.24.030 and 1998 c 138 s 2 are each amended to read  
2 as follows:

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

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

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

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

23       (d) The new address or addresses that the applicant requests not be  
24 disclosed for the reason that disclosure will increase the risk of  
25 domestic violence ~~((or))~~, sexual assault, or stalking;

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

30       (2) Applications shall be filed with the office of the secretary of  
31 state.

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

37       (4) A person who falsely attests in an application that disclosure  
38 of the applicant's address would endanger the applicant's safety or the  
39 safety of the applicant's children or the minor or incapacitated person

1 on whose behalf the application is made, or who knowingly provides  
2 false or incorrect information upon making an application, shall be  
3 punishable under RCW 40.16.030 or other applicable statutes.

4       **Sec. 3.** RCW 40.24.080 and 1998 c 138 s 4 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, or  
9 stalking to assist persons applying to be program participants. Any  
10 assistance and counseling rendered by the office of the secretary of  
11 state or its designees to applicants shall in no way be construed as  
12 legal advice.

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