

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1421

60th Legislature
2008 Regular Session

Passed by the House February 13, 2008
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 4, 2008
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1421** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1421

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Green, Miloscia, Kretz, Armstrong, Appleton, Kessler, Ormsby, Warnick, and Moeller; by request of Secretary of State)

READ FIRST TIME 02/04/08.

1 AN ACT Relating to modifying the provisions of the address
2 confidentiality program; amending RCW 40.24.020, 40.24.030, 40.24.040,
3 40.24.060, and 40.24.070; and adding a new section to chapter 40.24
4 RCW.

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

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

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

13 (2) (~~"Program participant" means a person certified as a program~~
14 ~~participant under RCW 40.24.030.~~

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

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

3 (4) "Stalking" means an act defined in RCW 9A.46.110 and includes
4 a threat of such acts committed against an individual, regardless of
5 whether these acts or threats have been reported to law enforcement
6 officers.

7 **Sec. 2.** RCW 40.24.030 and 2001 c 28 s 2 are each amended to read
8 as follows:

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

17 (a) A sworn statement, under penalty of perjury, by the applicant
18 that the applicant has good reason to believe (i) that the applicant,
19 or the minor or incapacitated person on whose behalf the application is
20 made, is a victim of domestic violence, sexual assault, or stalking;
21 and (ii) that the applicant fears for his or her safety or his or her
22 children's safety, or the safety of the minor or incapacitated person
23 on whose behalf the application is made;

24 (b) If applicable, a sworn statement, under penalty of perjury, by
25 the applicant, that the applicant has reason to believe they are a
26 victim of domestic violence, sexual assault, or stalking perpetrated by
27 an employee of a law enforcement agency;

28 (c) A designation of the secretary of state as agent for purposes
29 of service of process and for the purpose of receipt of mail;

30 ~~((+e)) (d) The ((mailing)) residential address and any telephone~~
31 ~~number where the applicant can be contacted by the secretary of state,~~
32 ~~((and the phone number or numbers where the applicant can be called by~~
33 ~~the secretary of state;~~

34 ~~(d) The new address or addresses that the applicant requests))~~
35 which shall not be disclosed ((for the reason that)) because disclosure
36 will increase the risk of domestic violence, sexual assault, or
37 stalking;

1 (e) The signature of the applicant and of any individual or
2 representative of any office designated in writing under RCW 40.24.080
3 who assisted in the preparation of the application, and the date on
4 which the applicant signed the application.

5 (2) Applications shall be filed with the office of the secretary of
6 state.

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

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

18 **Sec. 3.** RCW 40.24.040 and 1991 c 23 s 4 are each amended to read
19 as follows:

20 (1) If the program participant obtains a (~~(name)~~) legal change of
21 identity, he or she loses certification as a program participant.

22 (2) The secretary of state may cancel a program participant's
23 certification if there is a change in the residential address (~~(from~~
24 ~~the one listed on the application)~~), unless the program participant
25 provides the secretary of state with (~~(seven)~~) at least two days' prior
26 notice in writing of the change of address.

27 (3) The secretary of state may cancel certification of a program
28 participant if mail forwarded by the secretary to the program
29 participant's address is returned as nondeliverable, refused, or
30 unclaimed.

31 (4) The secretary of state shall cancel certification of a program
32 participant who applies using false information.

33 **Sec. 4.** RCW 40.24.060 and 1991 c 23 s 6 are each amended to read
34 as follows:

35 (~~(1)~~) A program participant who is otherwise qualified to vote
36 may (~~(apply as a service)~~) register as an ongoing absentee voter under

1 RCW (~~29.01.155. The program participant shall automatically receive~~
2 ~~absentee ballots for all elections in the jurisdictions for which that~~
3 ~~individual resides in the same manner as absentee voters who qualify~~
4 ~~under RCW 29.36.013, except that the program participant shall not be~~
5 ~~required to reapply following January 1st of each odd-numbered year.))~~

6 29A.40.040 The county auditor shall transmit the absentee ballot to
7 the program participant at the mailing address (~~designated by the~~
8 ~~participant in his or her application as a service voter~~) provided.
9 Neither the name nor the address of a program participant shall be
10 included in any list of registered voters available to the public.

11 (~~(2) The county auditor may not make the participant's address~~
12 ~~contained in voter registration records available for public inspection~~
13 ~~or copying except under the following circumstances:~~

14 ~~(a) If requested by a law enforcement agency, to the law~~
15 ~~enforcement agency; and~~

16 ~~(b) If directed by a court order, to a person identified in the~~
17 ~~order.))~~

18 **Sec. 5.** RCW 40.24.070 and 1999 c 53 s 1 are each amended to read
19 as follows:

20 The secretary of state may not make any records in a program
21 participant's file available for inspection or copying, other than the
22 address designated by the secretary of state, except under the
23 following circumstances:

24 (1) If requested by a law enforcement agency, to the law
25 enforcement agency; and

26 (a) The participant's application contains no indication that he or
27 she has been a victim of domestic violence, sexual assault, or stalking
28 perpetrated by a law enforcement employee; and

29 (b) The request is in accordance with official law enforcement
30 duties and is in writing on official law enforcement letterhead
31 stationery and signed by the law enforcement agency's chief officer, or
32 his or her designee; or

33 (2) If directed by a court order, to a person identified in the
34 order; (~~or~~

35 ~~(3) To verify the participation of a specific program participant,~~
36 ~~in which case the secretary may only confirm information supplied by~~
37 ~~the requester)) and~~

- 1 (a) The request is made by a nonlaw enforcement agency; or
2 (b) The participant's file indicates he or she has reason to
3 believe he or she is a victim of domestic violence, sexual assault, or
4 stalking perpetrated by a law enforcement employee.

5 NEW SECTION. Sec. 6. A new section is added to chapter 40.24 RCW
6 to read as follows:

7 A court order for address confidentiality program participant
8 information may only be issued upon a probable cause finding by a
9 judicial officer that release of address confidentiality program
10 participant information is legally necessary:

- 11 (1) In the course of a criminal investigation or prosecution; or
12 (2) To prevent immediate risk to a minor and meet the statutory
13 requirements of the Washington child welfare system.

14 Any court order so issued will prohibit the release of the
15 information to any other agency or person not a party to the order.

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