

# HOUSE BILL REPORT

## HB 2385

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**As Reported by House Committee On:**  
State Government & Tribal Affairs

**Title:** An act relating to the disclosure of information of an address confidentiality program participant contained in state registered domestic partnership applications and records.

**Brief Description:** Concerning the disclosure of information of an address confidentiality program participant contained in state registered domestic partnership applications and records.

**Sponsors:** Representatives Jinkins, Liias, Moeller, Reykdal, Pedersen and Roberts; by request of Secretary of State.

**Brief History:**

**Committee Activity:**

State Government & Tribal Affairs: 1/23/12, 1/25/12 [DP].

**Brief Summary of Bill**

- Establishes the circumstances under which the name and address of a participant in the Address Confidentiality Program contained in domestic partnership applications and records may be released.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Darneille, Dunshee, Hurst, McCoy and Miloscia.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander and Condotta.

**Staff:** Marsha Reilly (786-7135).

**Background:**

Address Confidentiality Program.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Address Confidentiality Program (ACP) allows victims of domestic violence, sexual assault, or stalking to have an alternative address designated as his or her substitute mailing address. The ACP also allows state and local agencies to comply with requests for public records without disclosing the confidential location of a victim.

In order to become a participant in the ACP, a person must submit an application to the Secretary of State (Secretary). The Secretary must approve any application that includes:

- a sworn statement from the applicant that he or she is a victim of domestic violence, sexual assault, or stalking, and fears for his or her safety or the applicant's children's safety;
- a designation of the Secretary as the applicant's agent for purposes of service of process and receipt of mail;
- the mailing address and phone number where the applicant can be contacted by the Secretary;
- the address that the applicant requests be kept confidential; and
- the applicant's signature.

Applicants are certified as program participants for four years, subject to renewal, withdrawal, or invalidation.

The Secretary may not disclose any records in a program participant's file, other than the address designated by the Secretary, except under the following conditions:

- if requested by a law enforcement agency, to the law enforcement agency; and the participant's application contains no indication that he or she has been a victim of domestic violence, sexual assault, or stalking perpetrated by a law enforcement employee; and the request is in accordance with official law enforcement duties and is in writing on official law enforcement letterhead stationery and signed by the law enforcement agency's chief officer, or his or her designee; or
- if directed by a court order, to a person identified in the order, and the request is made by a nonlaw enforcement agency or the participant's file indicates he or she has reason to believe he or she is a victim of domestic violence, sexual assault, or stalking perpetrated by a law enforcement employee.

#### State Registered Domestic Partnership.

The Secretary is responsible for the registration of domestic partnerships. Upon receipt of a signed, notarized declaration and a filing fee, the Secretary must register the declaration and provide a certificate to each party named on the declaration. The Secretary is responsible for maintaining a record of each declaration and must update the records to reflect changes in the status of state registered domestic partnerships, including changes of address, name, dissolution, or death. The Secretary must provide records of declarations to the state registrar of vital statistics.

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#### **Summary of Bill:**

The Secretary may not make available for inspection or copying the name and address of an ACP participant contained in state registered domestic partnership applications and records except if that information is requested by a law enforcement agency or directed by a court order, as long as there is no indication that the ACP participant has been a victim of domestic violence, sexual assault, or stalking perpetrated by a law enforcement employee and, if the request is made by a law enforcement agency, the request is in accordance with official law enforcement duties and is in writing on official law enforcement letterhead stationery and signed by the agency's chief officer.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The bill contains a simple technical correction to allow program participants in the ACP to keep information about where they live confidential. The ACP was started 20 years ago to help people stay safe. It has two main roles: one deals with mail; the other deals with public records. The ACP receives mail for program participants and then redirects it to the participants. Under the ACP someone can register to vote without making his or her address public. The law allows for addresses on marriage licenses to remain confidential, and the same protections need to be in place for domestic partnership documents.

(Opposed) None.

**Persons Testifying:** Representative Jinkins, prime sponsor; and Brian Zylstra, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** None.