

SENATE BILL REPORT

SB 6213

As of January 24, 2012

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: Senators Kline, Litzow, Kohl-Welles, Fain, Murray, Harper, Regala, Nelson, Keiser, Pflug and Conway; by request of Secretary of State.

Brief History:

Committee Activity: Judiciary: 1/24/12.

SENATE COMMITTEE ON JUDICIARY

Staff: Katherine Taylor (786-7434)

Background: Any of the following people may apply to the Secretary of State for an address designated to serve as that person's address:

1. an adult person;
2. a parent or guardian acting on behalf of a minor;
3. a guardian acting on behalf of an incapacitated person; and
4. any Criminal Justice participant who is a target for threats or harassment, or any family member living with the participant.

The secretary will approve an application if it is filed on the correct form in the prescribed manner. Upon filing a properly completed application, the secretary will certify the applicant as an address confidentiality program participant. Applicants will be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.

Two persons desiring to become state-registered domestic partners may register their domestic partnership by filing a declaration of state-registered domestic partnership with the secretary and paying the filing fee. The declaration must be signed by both parties and notarized. Upon receipt of a signed, notarized declaration and the filing fee, the secretary will register the declaration and provide a certificate of state-registered domestic partnership

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to each party named on the declaration. The secretary will permanently maintain a record of each declaration of state-registered domestic partnership that is filed. The secretary has the authority to update the records to reflect changes in the status of a state-registered domestic partnership, such as a change of address, name, dissolution, or death. The secretary will provide the state registrar of vital statistics with records of declarations of state registered domestic partnerships.

1. To enter into a state-registered domestic partnership the two persons involved must meet the following requirements:
 1. both persons share a common residence;
 2. both persons are at least 18 years of age;
 3. neither person is married to someone other than the party of the domestic partnership and neither person is in a state-registered domestic partnership with another person;
 4. both persons are capable of consenting to the domestic partnership;
 5. both of the following are true:
 - a. the persons are not nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law; and
 - b. neither person is a sibling, child, grandchild, aunt, uncle, niece, or nephew to the other person; and
 6. either of the following are true:
 - a. both persons are members of the same sex; or
 - b. at least one of the persons is 62 years of age or older.

Summary of Bill: If notified by an address confidentiality program participant, the secretary will not make available for inspection or copying the name and address of such a participant contained in the state-registered domestic partnership applications and records, except under the following circumstances:

1. if requested by a law enforcement agency, to the law enforcement agency; and
 - a. the participant's application contains no indication that the participant has been a victim of domestic violence, sexual assault, or stalking perpetrated by a law enforcement employee; and
 - b. 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 the officer's designee; or
2. if directed by a court order, to a person identified in the order; and
 - a. the request is made by a nonlaw enforcement agency; or
 - b. the participant's file indicates there is reason to believe the participant is a victim of domestic violence, sexual assault, or stalking perpetrated by a law enforcement employee.

The secretary must review the participant's application for indication that the participant has been a victim of domestic violence, sexual assault, or stalking perpetrated by a law enforcement employee before releasing information.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There are roughly 4000 people registered in the address confidentiality program. We need this bill to maintain the safety of people who are enrolled in this program, who are also enrolled in a domestic partnership.

Persons Testifying: PRO: Brian Zylstra, Office of Secretary of State.