

DEPARTMENT OF LAW ENFORCEMENT

Adoption of Chapter 24-1000
Hawaii Administrative Rules

Month-Day, 2024

1. Chapter 24-1000, Hawaii Administrative Rules, entitled "Address Confidentiality Program", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 24

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 24-1000

ADDRESS CONFIDENTIALITY PROGRAM

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§24-1000-15	Agency requirements
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§24-1000-17 Applicant or participant prohibition
§24-1000-18 Disclosure prohibited

§24-1000-1 Purpose. (a) These rules set forth standards and procedures relating to participation in the Address Confidentiality Program, in accordance with chapter 801G, Hawaii Revised Statutes.

(b) At the time any state or local government agency creates a new record or updates an existing record, a program participant may request that the agency use the program's substitute mailing address as the participant's residence, work, and/or school address. [Eff] (Auth: HRS §801G-13) (Imp: HRS §91-2)

§24-1000-2 Definitions. As used in this chapter:

- (1) "ACP Code" means an identifying number unique to each program participant and is located on the authorization card.
- (2) "Address confidentiality" means a program participant's residential, work or school address. It does not include phone numbers, email addresses, or any other identifying data.
- (3) "Administrator of the Organization" means Administrator, Director, Executive Director, Board Member, Supervisor, or one who holds a leadership position in the organization.
- (4) "Agency" shall have the same meaning as HRS section 801G-1. Federal government agencies or non-government entities are not required to participate in the program or to accept the substitute address.
- (5) "Application assistant" shall have the same meaning as HRS section 801G-1.

- (6) "Authorization card" means a card issued by the department authorizing the program participant to request address confidentiality with Hawaii agencies.
- (7) "Department" means the department of law enforcement.
- (8) "Director" means the director of the department of law enforcement.
- (9) "Primary applicant" shall have the same meaning as section 801G-1, Hawaii Revised Statutes.
- (10) "Program" means the Address Confidentiality Program set forth in chapter 801G, Hawaii Revised Statutes, administered by the department of law enforcement.
- (11) "Program certification" means the program's acceptance of an applicant to participate in the address confidentiality program.
- (12) "Program director" means the department of law enforcement employee designated to manage the address confidentiality program.
- (13) "Program participant" shall have the same meaning as HRS section 801G-1.
- (14) "Secondary applicant" means a parent, spouse, domestic partner, child or legal dependent of a program participant who resides at the same actual address as the program participant and whose participation in the program is necessary for the safety of the program participant.

[Eff] (Auth: HRS §§ 801G-1, 801G-13) (Imp: HRS §91-2)

§24-1000-3 Eligibility. (a) The following persons are eligible for participation in the program as a primary applicant:

- (1) Victims of domestic abuse;

- (2) Victims of a sexual offense; or
- (3) Victims of stalking.
- (b) The following persons are eligible for participation in the program as a secondary applicant:
 - (1) A parent, guardian, spouse, domestic partner, child, or legal dependent of a program participant;
 - (2) Who resides at the same actual address of the program participant; and
 - (3) Whose participation in the program is necessary for the safety of the program participant.
- (c) A separate application for each secondary applicant shall be submitted. [Eff] (Auth: HRS §§801G-2, 801G-4) (Imp: HRS §91-2)

§24-1000-4 Application assistance required.

- (a) An application, primary or secondary, must be completed with the assistance of an application assistant from a victim services organization before submission to the program director for certification to participate.
- (b) Applications submitted to the program without an application assistant shall be denied by the program director.
- (c) Application assistants must be deemed designated by the program director as prescribed in §24-1000-5.
- (d) The role of the application assistant is to:
 - (1) Determine the applicant's program eligibility.
 - (2) Determine if any persons residing with an eligible applicant are eligible to apply as a secondary applicant.
 - (3) Explain the program's services and limitations to the applicant.
 - (4) Explain the participant responsibilities.
 - (5) Assist the applicant to complete the application, including obtaining any records or documentation as required.

(6) Forward the completed application or applications to the program director for certification as a program participant.

(e) Applications deemed incomplete by the program director will be returned to the application assistant for completion.

(f) Any assistance provided to an applicant by the application assistant shall not be considered legal advice. [Eff _____] (Auth: HRS §§801G-1, 801G-2, 801G-3, 801G-4, §801G-13) (Imp: HRS §91-2)

§24-1000-5 Application assistant eligibility.

(a) An organization must apply to the program to be deemed eligible for designation of its current employees or volunteers to be application assistants pursuant to HRS § 801G-2(c).

(b) Application assistants are deemed designated by the program director when the following qualifications are met and attested to by an administrator of the organization as part of the application:

(1) The individual is not an employee of the address confidentiality program; and

(2) The individual is a current employee or volunteer of:

(A) A nonprofit, nongovernmental organization that serves victims of domestic abuse or sexual violence, including rape crisis centers;

(B) An organization operating a shelter or providing professional counseling services to victims of domestic abuse, a sexual offense, or stalking as defined in HRS section 801G-1; or

(C) An organization that provides assistance with the legal process including, but not limited to, the victim-witness assistance program as established in HRS section 28-111.

(c) Once an organization is deemed designated by the program, any change to the organization that would affect its eligibility to participate in the program must notify the program director and refer any program applicants to another organization for assistance. [Eff] (Auth: HRS §§801G-1, 801G-2, §801G-13) (Imp: HRS §91-2)

§24-1000-6 Program certification. (a) The applicant shall be certified as a program participant if the program director determines that the program criteria has been met.

(b) Program certification shall be effective on the date of certification by the program director.

(c) Certification is valid for 3 years.

(d) Upon certification, the participant will receive the following at the participant's actual address:

- (1) Notification of the participant's enrollment in the program;
- (2) A program authorization card bearing the following:
 - (A) Participant's name;
 - (B) Birthdate;
 - (C) Participant's ACP code;
 - (D) Substitute address designated by the department;
 - (E) Program expiration date; and
 - (F) Program contact information.

(e) The program shall issue one authorization card to a participant.

(f) If an applicant is denied, a notice of denial shall be issued to the applicant upon determination that the applicant does not meet the criteria for program certification. [Eff] (Auth: HRS §§801G-3, 801G-7, 801G-13) (Imp: HRS §91-2)

§24-1000-7 Exercise of program participant's privilege. (a) At the time any state or local government agency creates a new record or updates an existing record, a program participant may request that the agency use the substitute mailing address as the participant's residence, work and/or school address.

(b) Program participants are solely responsible for requesting to an agency the use of the substitute address.

(c) A program participant shall show their authorization card to the agency official creating a new record and request address confidentiality through the use of the substitute mailing address as it appears on the authorization card, in lieu of their actual location.

(d) Program participants are solely responsible for notifying agencies who use the substitute address that the substitute address is no longer valid upon program cancellation. [Eff] (Auth: HRS §§801G-6, 801G-9, 801G-13) (Imp: HRS §91-2)

§24-1000-8 Mail forwarding procedure. (a) The program shall receive for forwarding to a participant only the following types of mail:

- (1) First-class;
- (2) Certified; or
- (3) Registered mail.

(b) The program will not forward packages, bulk mail, or pre-sorted mail.

(c) Prior to forwarding, the program will not notify the participant of any mail received.

(d) The program will not track, record, or maintain copies of mail received and forwarded, except for mail in subsection (e).

(e) The program shall maintain a log of certified mail, registered mail, and service of legal process received on behalf of a program recipient.

(f) The program will not assist to recover or find mail believed to be missing or lost by a participant.

(g) Unacceptable mail as prescribed by (a) and (b) above that is received by the program shall be returned to the sender or destroyed.

(h) Mail that is returned as undeliverable is subject to program cancellation and may be returned to sender or destroyed under §24-1000-10(c) and (f).

[Eff] (Auth: HRS §§801G-2, 801G-6, 801G-13)
(Imp: HRS §91-2)

§24-1000-9 Certification renewal. (a)

Certification may be renewed by submitting a renewal application to the program director no more than sixty days, but at least five days prior to the expiration of the existing certification.

(b) Renewal applications do not need to be assisted by an application assistant. [Eff] (Auth: HRS §§801G-3, 801G-13) (Imp: HRS §91-2)

§24-1000-10 Program cancellation. (a)

Participation in the program is canceled when certification is voluntarily withdrawn by the participant or canceled by the program.

(b) A participant's voluntary withdrawal shall be submitted to the program director in writing.

(1) The withdrawal shall be effective as of the date it is received by the program director, or as of a date expressly stated by the participant provided it is prior to the certification expiration date.

(2) Mail received by the program will continue to be forwarded for 60 days from the date of cancellation. After 60 days, mail will not be forwarded and will be subject to the provisions of subsection (f).

(c) The program shall cancel a participant's certification when:

- (1) The participant fails to notify the program of a change in the participant's legal name, actual address, email address or telephone number;
- (2) The participant knowingly submitted false information on the program application;
- (3) Forwarded postal mail by the program is returned as undeliverable;
- (4) A renewal application is not received or approved by the program; or
- (5) The participant's actual address is not located in the State of Hawaii.

(d) A cancellation by the program shall be effective as of the date the cancelling event is discovered, to be determined by the program director.

(e) The program director shall send a notice of cancellation with stated reasons for the cancellation at the participant's last known actual address and at any email addresses the participant lists on their application.

(f) Any postal mail that continues to be received by the program or returned as undeliverable after 60 days from the date of cancellation shall be either returned to the sender or destroyed. [Eff _____]

(Auth: HRS §§801G-6, 801G-13) (Imp: HRS §91-2)

§24-1000-11 Participant communication with the program. (a) Participant communication with the program shall be in writing via email, postal mail, or hand-delivered and must include the ACP code.

(b) Postal-mailed and hand-delivered correspondence must be addressed to the attention of the program director and signed by the participant.

(c) Prior to responding to a participant, or making any change in a participant's information, the program director shall verify the ACP Code, and either:

(1) Compare the signature on the correspondence with the signature on the original application if correspondence is postal-mailed or hand-delivered; or

(2) Verify that an email message was sent from an email address listed on the participant's application. [Eff] (Auth: HRS §§801G-5, 801G-6, 801G-7, 801G-2, 801G-13) (Imp: HRS §91-2)

§24-1000-12 Change of name, address, email address, or telephone number. (a) Within 30 days of a legal name change, the participant shall notify the program director with sufficient documentation as required in §801G-5.

(b) The participant shall notify the program director in writing, through postal mail or the program's email address of any change to the participant's actual addresses, email address, or telephone number within 10 days of the change. [Eff] (Auth: HRS §§801G-5, 801G-13) (Imp: HRS §91-2)

§24-1000-13 Appeal. (a) An applicant may appeal from a Notice of Application Denial in writing to the department director and must be received within 30 days of the date of the denial notice. The director or director's designee shall review and render a final determination in writing.

(b) A participant may appeal from a Notice of Cancellation by the program in writing to the department director and must be received within 30 days of the date of the cancellation notice. The director or director's designee shall review and render a final determination in writing.

(c) An appeal under subsection (b) shall toll the 60 days time prescribed in section 24-1000-10(f) until a final determination is made for purposes of returning mail to the sender or destruction after the allotted time. [Eff] (Auth: HRS §§801G-6, 801G-7, 801G-13) (Imp: HRS §91-2)

§24-1000-14 Service of process. (a) The program shall accept service of process documents for a participant, and the participant will be deemed served.

(b) The program shall forward the served document to the participant's actual address via first class postal mail within 3 calendar days.

(c) The program shall scan the envelope containing the served documents and record the forwarding postal mail date. If there is no envelope, the program shall scan the documents it was served. The program will not open envelopes.

(d) The program will not notify the participant of the served documents or otherwise relay information from documents to the participant.

(e) Participants shall be allowed an additional 5 days to respond as a participant of the program if a legal requirement to act within a prescribed period of 10 days or less is ordered by the court.

(f) Any communication from the application assistant, program director or other employee of the program to the participant shall not be considered legal advice. [Eff] (Auth: HRS §§801G-2, 801G-8, 801G-13) (Imp: HRS §91-2)

§24-1000-15 Agency requirements. (a) State and local government agencies shall accept the substitute address on the authorization card in place of the participant's actual address for their residence, work, or school in creating any new record, or in updating an existing record when presented with an active program authorization card.

(b) Agencies shall use the following format on all postal mail to the substitute address:

[PARTICIPANT NAME]
[ACP Code: _____]
c/o Address Confidentiality Program
715 S. King St., Room 505
Honolulu, Hawaii 96813

(c) Agency personnel may contact the program director to verify an individual's participation status in the program or any other inquiries relating to the program.

(d) The agency may make a photocopy of the authorization card and will immediately return the authorization card to the program participant.

(e) Agencies may obtain other information, such as phone numbers or email addresses from the participant in accordance with its own policy and procedure requirements.

(f) Participants do not need to give an agency their actual address unless the agency falls within an exception listed in HRS section 801G-9.

(g) Agencies that are granted a waiver under HRS §801G-9(c) from the program may obtain information from the participant in accordance with the waiver terms.

(h) Agencies shall adopt procedures to prevent disclosure of the participant's mailing address, actual addresses and telephone numbers that are already on file with the agency.

(1) Where applicable, the Participant shall include the government agency's indexed document number or similar confirming details to ensure that the correct existing files are processed for this program.

(2) The program may request a copy of an agency's procedures to prevent disclosure at any time.

(i) Agencies with exceptions in HRS §801G-9 or granted a waiver shall adopt procedures to prevent disclosure of the participant's actual address and telephone numbers on file with the agency. The program may request a copy of the procedures at any time. [Eff _____] (Auth: HRS §§801G-9, 801G-13)
(Imp: HRS §91-2)

§24-1000-16 Agency waiver. (a) Agencies seeking a waiver from all or part of the program may request a waiver application from the program director as set forth in HRS §801G-9(c).

(b) Upon receipt of an agency waiver request, the program director shall send a notification of the waiver request to the participant.

(c) The requested waiver may be accepted if:

(1) The agency has a bona fide statutory or administrative requirement for the use of the actual address;

(2) The address will be used only for those statutory or administrative purposes; and

(3) The agency will adopt procedures to prevent disclosure of the participant's mailing address, actual address, and telephone numbers that are already on file with the agency.

(d) A decision to accept, accept in part, or deny an agency's request for a waiver shall be determined solely by the program.

(e) The program director shall notify the agency and the participant of the decision with stated reasons for the decision. [Eff] (Auth: HRS §§801G-9, 801G-13) (Imp: HRS §91-2)

§24-1000-17 Applicant or participant prohibition. (a) An applicant or participant may be subject to a fine if the applicant or participant:

(1) Falsely attested to the endangerment of their safety if their actual address is disclosed; or

(2) Knowingly provided false information on an application.

(b) If the program finds a violation occurred, the program shall notify the applicant or participant in writing.

(c) The fine will not be more than \$500.

(d) Any fine imposed under this section is in addition to any other civil and criminal penalties imposed for an act in subsection (a).

(e) An applicant or participant shall be afforded a hearing if requested to the program director, in writing, within ten calendar days of receiving the notice of the violation. [Eff]
(Auth: HRS §§ 91-9, 801G-11) (Imp: HRS §91-2)

§24-1000-18 Disclosure prohibited. (a) The program shall not disclose a participant's actual address unless required by order of a court who has made written findings as required in §801G-10.

(b) Any employee, volunteer, or other individual with access to program records or agency records is prohibited from knowingly disclosing any address or telephone number of a program participant other than the substitute address.

(c) Any person who violates subsection (b) shall be guilty of a misdemeanor." [Eff] (Auth: HRS §§92F-13, 92F-14, 801G-10, 801G-13) (Imp: HRS §91-2)

2. The adoption of chapter 24-1000, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____, 2024, and filed with the Office of the Lieutenant Governor.

JORDAN LOWE, Director
Department of Law Enforcement

APPROVED AS TO FORM:

Brenton Inouye
Deputy Attorney General