

How can I expunge my criminal record in Hawaii?



OFFICE OF REPRESENTATIVE
DAVID A. TARNAS



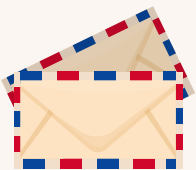
Step 1

Non-convictions will need to fill out and submit an **Expungement Application (HCJDC-159(b))**. You are **not required to submit court documents** but sending a copy of your certified dismissal order is helpful.

There is a fee of **\$35.00 for First-Time Expungement** and **\$50.00 for a Non-First-Time Expungement**. \$10.00 of the fee is non-refundable.

Arrest records will be expunged from the arresting agency and the statewide central repository of adult criminal history record information.

Step 2



The certificate will be mailed to the address provided on the application form. There are no expedited services available.

You will have to apply with Hawai'i State Judiciary to remove or seal court records or traffic abstract.

The expungement of juvenile charges is not available.



Eligible Convictions:

- Operating a vehicle under a measurable amount of alcohol (under 21)
- Sentencing for a first-time drug offender
- First-time drug offense prior to 2004
- Sentencing for first-time property offender
- Deferred acceptance of guilty plea or nolo contendere plea

The conviction information is expunged from the statewide repository of adult criminal history record information only. Records may still be retained and made available by the arresting agency and the courts. The Department of the Attorney General handles expungement via the Hawaii Criminal Justice Data Center. **Expunging a record takes at least 120 days.**

Need to know terms:

- **Expungement** - The deletion of any record that an arrest or criminal charge ever occurred.
- **Sealing** - The process of making public records inaccessible to the public.
- **Record Clearance** - The expungement and sealing of records.

Learn more:



<https://bit.ly/expungementsHI>



808-587-3348



“Sealing” records and “Clearing” records

Expunging an arrest record and sealing of any related court records are **two separate processes** that are handled by **two different government entities**:

- Expungement of an arrest record is handled by the **Department of the Attorney General through the Hawai'i Criminal Justice Data Center**.
- Court records can be sealed and made confidential, through a court order. Sealed court records cannot be viewed by the public. The Hawai'i State Law Library website has information on how to seal court records.

Expungement vs. Sealing a Record

Doesn't the expungement remove my arrest record information from the court records too?

An expungement by the Department of the Attorney General **does not remove or seal your court records and traffic abstracts**. Your arrest record may still appear in court records and may be available for the public to access through the Hawai'i Judiciary criminal case and traffic information system, **eCourt Kōkua**.

eCourt Kōkua can be accessed online by anyone in the general public.

- To look up your case on eCourt Kōkua go to the [Judiciary website](#). Then click on [eCourt Kōkua](#).
- You can search for your case under your name by clicking on the “Party Search” tab. You can also search your case by entering your case ID number or your citation number by clicking on the “Case Search” tab.
- If the search result shows your case, click on your case number.
- The information in eCourt Kōkua is available to the general public. If you do not want the general public to see your expunged case, you may want to go through the process of sealing your court records.

Sealing Criminal Records in Hawaii

In Hawaii, a sealed record is not available to the public without a court order. When a record is **sealed** the court preserves the data, but the information is restricted to eligible persons. However, **expunged records** are only available to law enforcement agencies. The [Hawaii Judiciary](#) seals juvenile records automatically when the bearer is 21 years or older.

Step 1

You will need:

- **A copy of your Certificate of Expungement from the Department of the Attorney General.**
- Information about your case. If you do not have a copy of your court records, look your case up on eCourt Kōkua. You will need the following information:
 - **Your case number**
 - This can be found on your Certificate of Expungement or you can look it up on eCourt Kōkua.
 - **The court where your expunged case was filed**
 - This will tell you which court to send your written request to seal your record.

Step 2

- Write a letter to the court where your expunged case was filed. Make sure you include in your letter:
 - your **full name**
 - your **current mailing address**
 - and a **working phone number**
 - You will also **include a copy of your Expungement Certificate**.
- Mail your letter or deliver it in person to the court where your expunged case was filed, addressing it to “Legal Documents.”
- If the Judge grants your request, you will receive an Order sealing your expunged record via mail. Be sure to include your most current mailing address in your letter.

You can check back on eCourt Kōkua to make sure that your expunged case information is now longer available to be accessed by the public.



Frequently Asked Questions

Expungement of criminal records and record-sealing in Hawaii

1. Where do I access the expungement form?

Access the expungement form with the QR code or link.



<https://bit.ly/expungementforms>

2. What does not qualify for expungement?

- Charges without final dispositions.
- In the case of a person who was involuntarily hospitalized pursuant to section 706-607, or who was acquitted or had charges dismissed pursuant to chapter 704 due to a physical or mental disease, disorder, or defect;
- Charges with guilty dispositions, with the exception of when the court grants an order for the expungement of a conviction for certain offenses or circumstances:
 - §291E-0064(e) – Operating a vehicle after consuming a measurable amount of alcohol; persons under the age of twenty-one;
 - §706-622.5 – Sentencing for first-time drug offender;
 - §706-622.8 – First-time drug offender prior to 2004; and
 - §706-622.9 – Sentencing for first-time property offender.
- Charges with less than one (1) year from the dismissal of a deferred acceptance of guilty or no contest pleas.
- Prostitution charges (712-1200) with less than three (3) years from dismissal of deferred acceptance of guilty or no contest pleas.
- Other circumstances as listed in [section 831-3.2, HRS](#).

3. Who can help me seal my record?

If you were represented by an attorney for your criminal case, that attorney may be able to help you seal your court records.

If you were represented by a Public Defender, you can contact the Office of the Public Defender.

- O'ahu
 - District Court (808) 586-2100
 - Family Criminal (808) 586-2300
 - Felony Court (808) 586-2200
- Kaua'i/Ni'i'hau (808) 241-7128
- Maui/Moloka'i (808) 553-1100
- Kona (808) 322-1945
- Hilo (808) 974-4571

You may also go to the [Office of the Public Defender's website](#) for more information.

4. Will I be notified when my Expungement form is received?

No, but you may send in your expungement form by certified mail which can be tracked by the U.S. Postal Service or any other mail delivery service that can be tracked.

Frequently Asked Questions

Expungement of criminal records and record-sealing in Hawaii

5. Once my arrest record is expunged, is my record completely deleted from the State criminal justice information system?

§846-3.2, Hawaii Revised Statute allows expunged records to be retained in a confidential file by the State and shall not be divulged except upon inquiry by: (1) A court of law or an agency thereof which is preparing a presentence investigation for the court; (2) An agency of the federal or state government which is considering the subject person for a position immediately and directly affecting the national or state security; or (3) A law enforcement agency acting within the scope of their duties.

6. Do I need to submit court documents with my expungement form?

Yes, if you are submitting an expungement form for either Driving Under the Influence, Under the Age of Twenty-One conviction, or First-Time Drug Related/Property Offender conviction with the [Expungement Application \(HCJDC-159\(b\)\)](#). It is not required for Non-Conviction expungements, but sending in a copy of your certified dismissal order is helpful.

7. How can I get a copy of my expungement certificate?

You may mail your request for a duplicate expungement certificate the HCJDC at 465 South King Street, Room 102, Honolulu, HI 96813. Requests may take up to 30 days to be completed. Your request for a duplicate expungement certificate must include the following:

- Cashier's check or money order for \$20 made payable to "State of Hawaii";
- Copy of valid photo ID;
- Your full Name;
- Any previous names or aliases;
- Date of birth;
- List of charges that were expunged;
- Day-time phone number;
- Mailing address;
- Date of request; and
- Your signature.

8. Will a pardon qualify my arrest charge to be expunged?

No, pardoned charges do not qualify for expungement. it will remain on your criminal arrest record with a notation of the pardon and the pardon date. For more information about pardons, you may contact the Hawaii Paroling Authority (HPA) at (808) 587-1300, or visit their website at [How can I get a copy of my expungement certificate?](#)

Learn more about
expungement and
record clearance:



<https://bit.ly/expungementsHI>



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Scan for more information

Resources in Hawaii

Beyond Guilt Clinic

- The William S. Richardson School of Law at the University of Hawai'i at Mānoa has a relatively new clinic that helps people with expungement and other post-conviction relief.
- <https://www.hawaii.edu/news/2021/10/18/legal-clinic-unjust-sentencing/>
- For more information about this program, contact Kenneth L. Lawson at (808) 956-0595 or by email at klawson3@hawaii.edu

Expungement Clinic – Fall 2024 TBD

- In 2019, ACLU- Hawai'i partnered with the Innocence Project at the Richardson School of Law and other organizations to host an expungement clinic.
- In 2020, during the pandemic, ACLU-HI held a virtual webinar with information relating to expungement during National Expungement Week.
- <https://www.acluhi.org/en/publications/expungement-week-2020>
- Partner organizations are having conversations about coordinating an Expungement Clinic in Fall 2024.

Hawai'i Civil Rights Commission

- Enforces employment anti-discrimination laws
- Arrest and court records is considered a protected class under Hawaii's fair employment laws. In other words, it may be illegal to discriminate against a person with past arrest and court records in employment. It depends on the type of employer, the nature of convictions, the nature of job duties, how much time that has passed since the conviction, etc.
- <https://labor.hawaii.gov/hcrc/files/2020/09/Arrest-Court-Record-2022.pdf>
<https://labor.hawaii.gov/hcrc/files/2021/02/HCRC-General-Information-Flyer-July-2019-Olelo-Haw-2022.pdf>

Employment/Workforce Development Navigation Support

- Work Net Inc. is a local organization that helps people with re-entry support, including obtaining jobs, housing, etc.
- <https://www.worknetinc.org/>
- Address: 1130 N. Nimitz Hwy. #B-224, Honolulu, HI 96817
- Email: worknethawaii@gmail.com
- Phone: 808-521-7770

Honolulu Community Action Program

- Non-profit organization that helps people find employment and provides case management support
- <https://www.hcapweb.org/>
- <https://www.hcapweb.org/na-lima-hana-employment-core-services-program/>

Resources in Hawaii

Alu Like (Target services for Native Hawaiians)

- Employment support services
- Hale O Nā Limahana
- 550 Paiea Street, Suite 226, Honolulu, Hawai'i 96819
- Phone: 808-535-6700

Goodwill (Employment training services)

- <https://www.goodwillhawaii.org/goodwill-programs/employment-services/>
- 2610 Kilihaui Street, Honolulu, HI 96819-2020
- Email: info@higoodwill.org
- Phone: 808-836-0313

Hawaii Workforce Development

- <https://labor.hawaii.gov/wdd/employers/wotc/>
- Work Opportunity Tax Credit (WOTC) is a federal tax credit available to employers as an incentive to hire job seekers from target groups who consistently experience high rates of unemployment. Employers can receive a credit ranging from \$1,200 to \$9,600. Employers must apply and receive a certification verifying the new hire is a member of a target group before they can claim the credit.

Eligible Target Groups and Tax Credit Amounts

- Short-Term Recipients of Temporary Assistance to Needy Families (TANF) – \$2,400
- Veterans – \$2,400, \$4,800, \$5,600, or \$9,600
- Ex-Felon – \$2,400
- Designated Community Resident – \$2,400
- Vocational Rehabilitation Referral – \$2,400
- Summer Youth – \$1,200
- Supplemental Nutrition Assistance Program Recipient – \$2,400
- Supplemental Security Income Recipient – \$2,400
- Long-Term Family Assistance Recipient – \$9,000
- Long-Term Unemployment Recipient – \$2,400

The [WOTC Eligibility Desk Aid](#) explains in detail the different target groups, and the eligibility criteria.

Senate Bill 2706 (2024): Clean Slate Expungement Task Force

- **Established to develop a state-initiated record clearing program that will expand access to employment, education and other necessities required for successful reintegration as a successful member of society and streamline the record clearance process.**

Contact State Representative David Tarnas



reptarnas@capitol.hawaii.gov



808-586-8510



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Other states with expungement and record clearance

In 2011, Clean Slate Law developed a web-based program that automates the process of generating expungement petitions. Production time was reduced from several hours to several minutes.

State-initiated Expungement:

California

- 1 year after misdemeanor arrest, charge, or conviction, including those not granted probation
- 3 years after felony arrest, charge, or conviction
- 4 years for felony conviction not granted probation
- Expunged drug possession convictions more than 5 years old will not disqualify you from getting a teaching license.

Connecticut

- 7 years for misdemeanors
- 10 years for lower felonies

Delaware

- Delaware will be transitioning to an automated expungement process in August 2024:
 - No waiting period for marijuana possession, underage possession of alcohol, underage drinking, or cases terminated in favor of the accused.
 - 5 years for one or more misdemeanor convictions, or a combination of misdemeanors and violation.
 - 10 years for eligible felony convictions

Michigan

- 3 years - non-serious/assaultive misdemeanor(s)
- 5 years - 1 felony, serious misdemeanor(s), 1 first-violation DUI
- 7 years - 2 or 3 felonies

Minnesota

- 1 year - diversion program or stay of adjudication
- 2 years - certain petty misdemeanor and misdemeanor
- 3 years - gross misdemeanor
- 4 years - felony violation of controlled substance crime in the fifth degree
- 5 years - any other felony

New Jersey

- The Clean Slate Expungement law was passed allowing the expungement of an individual's entire record after 10 years crime-free (2019).
- Certain marijuana and hash-related cases are eligible for automatic vacation, dismissal, and expungement (2021).

Utah and Indiana also have automatic expungement.

Automatic expungement is a feature of Clean Slate that removes items from your criminal record without you having to request it. However, you will have to meet certain requirements in order to qualify for an automatic expungement.

State-initiated Sealing:

New York

- The 2023 Clean Slate Act includes one traffic infraction, most misdemeanors, and felony convictions are eligible.
- There is no limit to how many convictions can be sealed. The waiting period starts after the individual has been sentenced or released from incarceration of the last conviction, whichever came later.
 - 3 years for misdemeanor convictions
 - 8 years for felony convictions

Pennsylvania

- 60 days for non-convictions
- 5 years for summary convictions
- 7 years for eligible misdemeanor, without another misdemeanor or felony convictions
- 10 years for eligible felonies, without another misdemeanor or felony convictions

Virginia

- Virginia passed a law that will automatically seal the records of non-convictions, many misdemeanors' convictions (including misdemeanor deferral dismissals), and some felony convictions.

Colorado

- 7 year - Petty misdemeanor and petty misdemeanor drug offense; Class 1 misdemeanor; Class 2 and 3 misdemeanors and drug misdemeanors
- 10 years - Most Level 4 drug felonies and Class 4, 5, 6 felonies

States with “automatic” expungement and sealing

Automatic expungement is a feature of Clean Slate that removes items from your criminal record without you having to request it. However, you will have to meet certain requirements in order to qualify for an automatic expungement.

Automatic Expungement

- The waiting period for a variety of misdemeanors are between 1 to 7 years depending on the state.
- Certain felony convictions have a waiting period of 3 to 10 years.

Automatic Sealing

- Misdemeanor waiting period is between 3 to 7 years.
- Certain felony convictions has a waiting period between 8 to 10 years.



In several states, uncharged arrests are not covered, and require the filing of a court petition to obtain relief. In some states, deferred dispositions are not covered. Some of these laws have not yet been implemented.

A number of these states make certain non-convictions wholly ineligible for relief because of the person's past record, the nature of the charges, or the type of disposition.

- In **South Carolina**, relief is only automatic in Magistrate or Municipal Court.
- Non-conviction records will be sealed automatically in **Delaware and Virginia** when those states' "clean slate" laws go into effect in 2024 and 2025, respectively. **D.C.'s** automatic sealing authority is not currently scheduled to go into effect until October 2029.
- In **Massachusetts**, records of non-conviction dispositions may be sealed on disposition subject to a "good cause" standard, or failing that after a waiting period. Acquittals and similar dispositions are sealed automatically.
- **Oklahoma** and **West Virginia** require the person never have been convicted of a felony.
- State criminal justice records, but not court records, are subject to a sealing, expungement, or confidentiality process (automatic in Maine and Montana; by request in Wisconsin). Florida has an automatic process for state criminal justice records and a petition-based process for court records.
- In **Minnesota**, relief is mandatory if the individual has not been convicted of a felony or gross misdemeanor in the 10 years since the disposition of all pending criminal actions in favor of the arrested person; and either no charges were filed or all charges were dismissed prior to a determination of probable cause.