



Takes 120 days to complete the expungement process.

How can I expunge my record in Hawai'i?

Prepared by the Office of Representative David A. Tarnas



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 1



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



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 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.

STEP 2



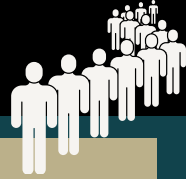
Need to know terms:

- 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.



Primary Source/More information: <https://ag.hawaii.gov/hcjdc/expungements/>

State-Initiated Expungement



Each state has a waiting period after the individual's offense.

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.

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

Expungement Application
Hawaii Criminal Justice Data Center, Department of the Attorney General

Complete this form in its entirety. **ILLEGIBLE or INCOMPLETE applications will result in a denial. The expungement certificate will be mailed to the address provided within the 120 days authorized by HRS 831-3.2(a).** Due to the confidentiality of the arrest records, information, including the status of an application, will NOT be provided over the phone or through email. Although optional, please attach a copy of your valid photo ID, which may assist with timelier processing.

The fee for a first-time expungement is \$35. Non-first-time expungements are \$50. The fee includes a non-refundable \$10 processing fee. Should your application be denied, the application fee minus the non-refundable \$10 will be returned to you.

EXPUNGEMENT OF NON-CONVICTION INFORMATION

§831-3.2, Hawaii Revised Statutes, authorizes the expungement of non-conviction arrest information. Arrest records will be expunged from the arresting agency and the statewide repository of adult criminal history record information. Records may still be retained and made available by the courts. An expungement order shall NOT be issued:

- In the case of an arrest for a felony or misdemeanor where conviction has not been obtained because of bail forfeiture;
- For a period of five years after arrest or citation in the case of a petty misdemeanor or violation where conviction has not been obtained because of a bail forfeiture;
- In the case of an arrest of any person for any offense where conviction has not been obtained because the person has rendered prosecution impossible by absenting oneself from the jurisdiction;
- In the case of a person who was involuntarily hospitalized pursuant to §706-607, or who was acquitted or had charges dismissed pursuant to chapter 704 due to a physical or mental disease, disorder, or defect;
- For a period of one year upon discharge of the defendant and dismissal of the charge against the defendant in the case of a deferred acceptance of guilty plea or nolo contendere plea, in accordance with chapter 853; and
- Pursuant to §712-1200, for a period of three years upon discharge of the defendant and dismissal of a §712-1200 charge against the defendant in the case of a deferred acceptance of guilty plea or nolo contendere plea.

EXPUNGEMENT OF CONVICTION FOR FIRST-TIME DRUG RELATED/PROPERTY OFFENDERS & DUI <21

The court may grant an order for the expungement of conviction for certain offenses and circumstances noted below. 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. Qualifying offenses include:

- §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

If you are applying to have a conviction expunged, you MUST ATTACH A COPY OF THE COURT ORDER GRANTING THE EXPUNGEMENT. Applications without a copy of the court order granting the expungement of conviction will be denied.

Current Legal Name (Last, First, Middle): _____

Other Names Used: _____

Social Security Number: _____ **Date of Birth:** _____ **Sex: M** _____ **F** _____
(SSN is optional; if provided, SSN will only be used to aid in verifying correct record is expunged)

Home Address: _____

Mailing Address: _____

Phone: _____ **Email:** _____

Initial by all that apply:

	Expungement of Non-Conviction Information: In accordance with the provisions of §831-3.2 , HRS, I hereby submit this written application to have my arrest record expunged for all qualifying alleged offense(s) for which no conviction has been secured, or for which I have found to be eligible for redress under chapter 661B. Further, I hereby declare that I am not a fugitive from justice. If I am found to have no record of conviction, I also request the return of non-digitized fingerprints and photographs.
	Expungement of First-time Drug Offender, Property Offender and/or DUI <21: In accordance with the provisions of §§706-622.5, 706-622.8, 706-622.9, and 291E-0064(e) , HRS, I hereby submit this written application and a copy of my Court Order Granting the Expungement of Conviction for First-time Drug-related/Property Offender and/or Conviction for Driving Under the Influence; persons under the age of 21 to have my conviction expunged.

Before submitting application, confirm these items are complete:

- Signature of applicant
- Copy of valid photo ID (optional)
- Mailing Address
- Court Order Granting Expungement, if applicable
- Payment – Money Order or Cashier's Check payable to "State of Hawaii"
(First-time expungement: \$35; Non-First-time Expungement: \$50)

LEAVE BLANK; HCJDC USE ONLY

Signature

Date

Submit completed application to:
Hawaii Criminal Justice Data Center, Attn: Expungement
465 South King Street, Room 102
Honolulu, HI 96813