

# Sealing & Expunging State Court Records

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# Arrest vs. Conviction Records

## ARRESTS

**Arrest**– when a person is taken into custody by law enforcement for suspicion of a criminal act.

**Arrest Records** – are owned and maintained by the arresting agency and the statewide repository of adult criminal history record information.

Arrest Records are expunged by Department of the Attorney General under Chapter 831-3.2, Hawaii Revised Statutes.

Chapter 831-3.2 only applies to Non-Conviction arrest records.

### Examples:

- No court case initiated by a prosecuting agency
- Court case opened but case resulted in a not guilty verdict
- Court case opened but case dismissed

## CONVICTIONS

**Conviction** – a verdict or finding of guilt in a criminal trial or a plea of guilty or no contest to a criminal charge issued by the court.

**Court Case Record** – include filed documents, court orders, including case disposition, convictions, dismissals, etc.

Convictions are only expunged under the following statutory provisions:

§291E-0064(e) Operating a vehicle after consuming a measurable amount of alcohol; persons under the age of 21

§706-622.5 Sentencing for first-time drug offender

§706-622.8 First-time drug offender prior to 2004

§706.622.9 Sentencing for first-time property offender

§712-1200 Commercial Sexual Exploitation

# Sealing a Court Record after an Arrest Record is Expunged

(No Conviction) HRS § 831-3.2(f)



## Effects of Sealing a Court Record

- Judiciary case records are no longer accessible to the public.
- The court case record may not be accessed by interested parties without a subsequent court order.
- **DOES NOT** remove arrest and/or case record from third-party public record search engines and/or platforms.

# Sample Letter

From:

Your Full Name (First, Middle and Last)

Your Current Street Address (include your apartment or unit number)

City, State, and Zip Code

Your Phone Number (include the area code)

Date:

Re: Request to Seal **COURT CASE #** [enter court case number – list all court case #s if expungement certificate covers more than one]

To:

Name of the Court (Example: District Court, First Circuit)

Address of Court

City, State, and Zip Code

Dear Administrative Judge,

I am writing to request that my court records be sealed pursuant to Hawaii Revised Statute, HRS 831-3.2.

The Department of the Attorney General expunged my record on (enter the date on the Expungement Certificate). I am enclosing a copy of my Expungement Certificate.

Please notify me of the outcome of the request at the above address and phone number. Thank you for your kind consideration of this request.

Sincerely,

Your Signature

Your Printed Name



STATE OF HAWAII  
DEPARTMENT OF THE ATTORNEY GENERAL  
*Ka 'Oihana O Ka Lolo Kuhina*

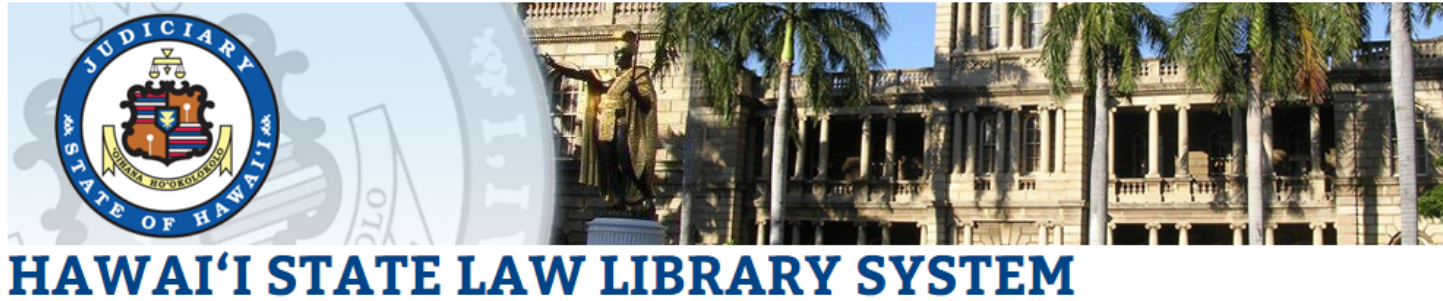
## Expungement Certificate

THIS IS TO CERTIFY that pursuant to Section 831-3.2, Hawaii Revised Statutes, an expungement order has been issued for [REDACTED] (aka: [REDACTED]) by the Attorney General of the State of Hawaii which expunged the record of arrest for the following:

<u>Offense</u>	<u>Date of Arrest</u>
OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT	06/18/2020
OPERATION/REGISTRATION OF MOTOR VEHICLE: NO-FAULT INSURANCE	06/19/2020

Under the provisions of Section 831-3.2, Hawaii Revised Statutes, this certificate authorizes you to state in response to any question or inquiry, whether or not under oath, that you have no record regarding the specific arrest(s) listed above.

Dated this January 11, 2024.



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## Sealing Court Records

### After Expungement of Arrest Records by the Hawai'i Attorney General – How Do I Seal My Hawai'i Court Record?

#### Frequently Asked Questions

##### How can I seal my court records?

The State of Hawai'i Department of the Attorney General expunged my arrest record from the state-wide criminal history record information system (CJIS-Hawai'i). 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.

#### Help

- Find a Title
- Ask a Librarian
- Sign Up for a Library Card
- HI Appellate Courts Opinions & Orders
- Hawai'i Court Rules
- Hawai'i State Judiciary

#### Library Hours

Monday-Friday: 7:45am—4:15pm  
CLOSED: Saturday-Sunday & All State Holidays

# After Expungement of Arrest Records by the Hawai'i Attorney General– How Do I Seal My Hawai'i Court Record?

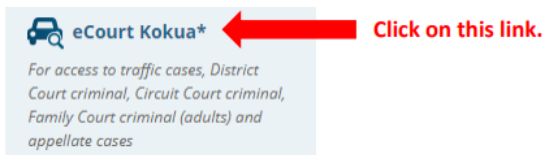
## Frequently Asked Questions

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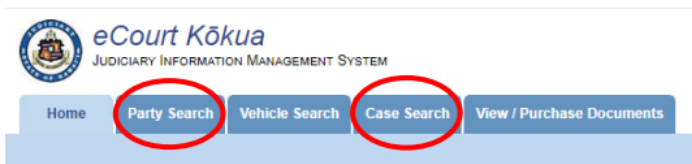
To look up your case on eCourt Kōkua go to the Judiciary website at [www.courts.state.hi.us](http://www.courts.state.hi.us). Then click on [eCourt Kōkua](#).



**eCourt Kōkua\*** ← Click on this link.

For access to traffic cases, District Court criminal, Circuit Court criminal, Family Court criminal (adults) and appellate cases

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.



**eCourt Kōkua**  
JUDICIARY INFORMATION MANAGEMENT SYSTEM

Home **Party Search** Vehicle Search **Case Search** View / Purchase Documents

### I don't have an attorney to help me. Can I do this myself?

It is best to get the assistance of an attorney, especially to discuss how an expungement may affect your future employment or immigration status.

If you want to go ahead with sealing your records, the Hawai'i Revised Statutes §831-3.2(f), allows you to request the court to seal your court records after expungement.

#### HRS § 831-3.2 Expungement orders.

(f) Any person for whom an expungement order has been entered may request in writing that the court seal or otherwise remove all judiciary files and other information pertaining to the applicable arrest or case from the judiciary's publicly accessible electronic databases. The court shall make good faith diligent efforts to seal or otherwise remove the applicable files and information within a reasonable time.

### What does it cost to seal my court records?

The court does not charge a fee to seal your expunged court records.

### What do I need to get started?

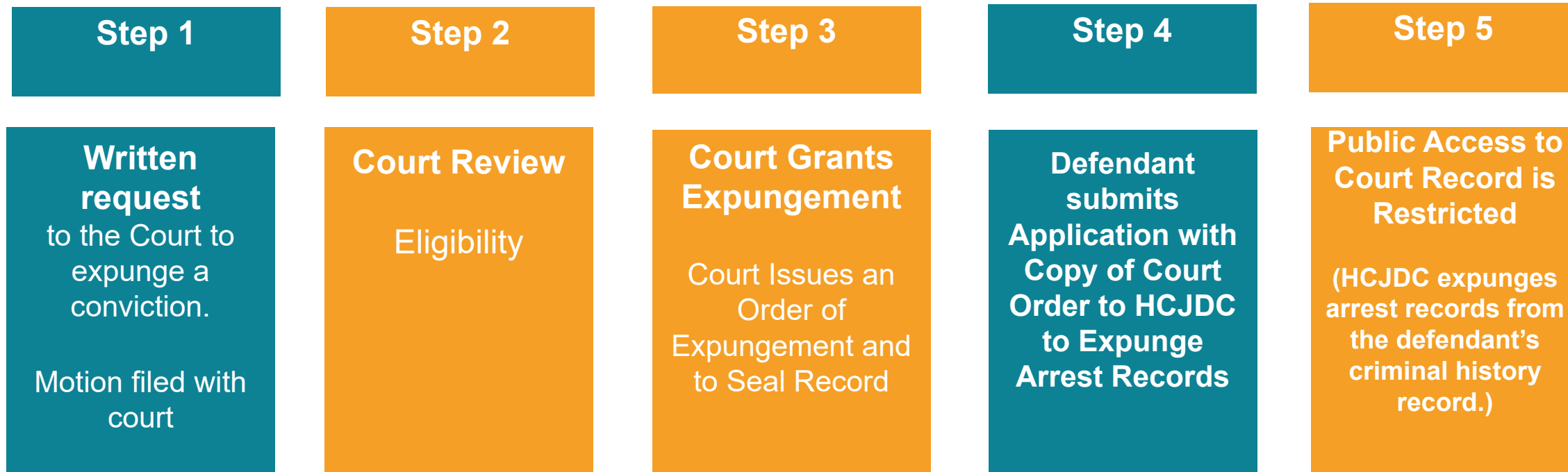
If you decide to seal your court records, you will need:

1. **A copy of your Certificate of Expungement from the Department of the Attorney General.**
2. **Information about your case.** If you do not have a copy of your court records, look your case up on eCourt Kōkua. Follow the steps on page one of this FAQ. 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.

[Printable Calendar View](#)

Case Description	
Case ID: 3DC [REDACTED] State v. JOHN [REDACTED]	Filing Date: MONDAY, JULY 1, 2013
Type: [REDACTED] Complaint	Court: THIRD CIRCUIT
Status: CLOSEDS - Closed Case-Judgment Satisfied	Location: NORTH AND SOUTH HILO DIVISION
Last Updated: 04-Sep-2013	
ID: @1 [REDACTED] JUV: N	
Party Status: Released to Appear	
CDL: N CMV: HAZ: N	Citation / Arrest: C1 [REDACTED]

# Expunging a Court Conviction Record



## **Statutory Eligibility**

§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

§706.622.9 Sentencing for first-time property offender

§712-1200 Commercial Sexual Exploitation

# eCourt Kokua Judiciary Case Search

## Name search using eCourt Kokua



Party Name	Case	Case Type	Filing Date	Next Event	Party Type	Party ID
Doe, John	<a href="#">1DTI-14-000000</a> – State v. John Doe	Traffic Infraction	15-JUL-2014		Defendant	@XXXXXXXX
Doe, John	<a href="#">1DTI-13-000000</a> – State v. John Doe	Traffic Infraction	27-SEP-2013		Defendant	@XXXXXXXX
Doe, John	<a href="#">1DTC-08-000000</a> –State v. John Doe	Traffic Crime	03-OCT-2008		Defendant	@XXXXXXXX

## Name search result after court case is SEALED

Party Name	Case	Case Type	Filing Date	Next Event	Party Type	Party ID
Doe, John	<a href="#">1DTI-14-000000</a> – State v. John Doe	Traffic Infraction	15-JUL-2014		Defendant	@XXXXXXXX
Doe, John	<a href="#">1DTI-13-000000</a> – State v. John Doe	Traffic Infraction	27-SEP-2013		Defendant	@XXXXXXXX