



GOV. MSG. NO. 1346

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 9, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 9, 2024, the following bill was signed into law:

SB2706 SD1 HD1

RELATING TO EXPUNGEMENT OF CRIMINAL
RECORDS.
ACT 241

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that approximately
 2 seventy-seven million people living in the United States, or one
 3 in three adults, have a criminal record. In some instances, the
 4 person was arrested but ultimately not convicted of any crime.
 5 The legislature recognizes that arrest and conviction records
 6 often adversely affect a person's financial and housing security
 7 by limiting the person's access to employment, housing, or a
 8 professional license. As of 2019, three hundred thousand
 9 residents of the State have been adversely affected by past
 10 criminal records, hindering their ability to fully participate
 11 in society, access employment, housing, and other opportunities.

12 The legislature notes that by being more easily available
 13 to attain employment and housing, individuals with cleared
 14 records are significantly less likely to reoffend, contributing
 15 to safer communities and reducing recidivism rates.

16 The legislature also finds that many states, including
 17 Hawai'i, have laws that allow persons who meet certain



1 eligibility criteria to petition or apply for the removal of a
2 criminal record. This current process is administratively
3 cumbersome and creates an unnecessary burden on the criminal
4 legal system, whereby resources are inefficiently allocated to
5 administer and review these petitions. Furthermore, the
6 citizens engaged in this process must face an additional burden
7 before being able to clear their records.

8 The legislature further finds that making the procedure
9 state-initiated would eliminate the need for an eligible person
10 to navigate this process and pay any required processing fees.
11 According to research compiled by the National Conference of
12 State Legislatures, twenty states have at least one statutory
13 state-initiated record-clearing provision as of July 2021.
14 Michigan, New Jersey, Pennsylvania, and Utah are examples of
15 states having laws that automate the record-clearing process;
16 these laws are sometimes known as "clean slate laws". As of
17 2024, twelve states are already engaging in state-initiated
18 record clearing processes.

19 The legislature finds that these states, through
20 implementing some type of clean slate laws, have increased
21 access to opportunities for their citizens, removed barriers to



1 reintegration that disproportionately impact marginalized
2 communities, increased public safety, and streamlined legal
3 processes.

4 Accordingly, the purpose of this Act is to establish the
5 clean slate expungement task force to develop a state-initiated
6 record clearing program.

7 SECTION 2. (a) There shall be established the clean slate
8 expungement task force to develop a state-initiated record
9 clearing program. The clean slate expungement task force shall
10 be attached to the judiciary for administrative purposes only.

11 (b) The clean slate expungement task force shall provide
12 recommendations:

13 (1) For legislation related to a record clearing program
14 that:

15 (A) Expands access to employment, education, and
16 other necessities required for successful
17 reintegration as a successful member of society;

18 (B) Promotes equity and fairness by removing barriers
19 within the criminal legal system that
20 disproportionately impact marginalized
21 communities;



1 (C) Enhances public safety by adopting best practices
2 for clearing records that have been linked to a
3 reduction in recidivism; and

4 (D) Streamlines the procedures involved in the record
5 clearance process to reduce the time and
6 resources required by the various state entities
7 responsible for the implementation of record
8 clearance; and

9 (2) To the judicial council that will inform the review of
10 the Hawaii Penal Code.

11 (c) The clean slate expungement task force shall be
12 composed of one representative from the following entities:

13 (1) The judiciary, whose representative shall convene the
14 task force;

15 (2) The department of the attorney general;

16 (3) The office of Hawaiian affairs;

17 (4) The office of the public defender;

18 (5) The offices of the prosecuting attorney of the county
19 of Hawai'i, county of Maui, city and county of
20 Honolulu, and county of Kaua'i; and



1 (6) The Hawai'i innocence project at the university of
2 Hawai'i at Mānoa William S. Richardson school of law.

3 (d) The clean slate expungement task force shall invite
4 one representative from each of the following entities to
5 participate as members of the task force:

6 (1) The Hawaii Workers Center;

7 (2) The ACLU of Hawai'i;

8 (3) The Hawai'i Friends of Restorative Justice; and

9 (4) The Last Prisoner Project.

10 (e) The clean slate expungement task force shall invite
11 two directly impacted individuals with lived experience in the
12 criminal legal system to participate as members of the task
13 force.

14 (f) The clean slate expungement task force shall seek
15 technical assistance from:

16 (1) The Clean State Initiative;

17 (2) Code for America; and

18 (3) SEARCH - System for the Electronic Analysis and
19 Retrieval of Criminal Histories.

20 (g) The clean slate expungement task force shall submit an
21 interim report of its findings and recommendations, including



1 any proposed legislation, to the legislature no later than forty
2 days prior to the convening of the regular sessions of 2025 and
3 2026. The clean slate expungement task force shall submit a
4 final report of its findings and recommendations, including any
5 proposed legislation, to the legislature no later than forty
6 days prior to the convening of the regular session of 2027.

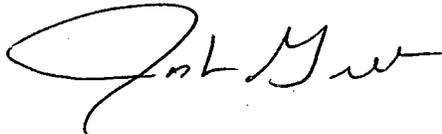
7 (h) The clean slate expungement task force shall be
8 dissolved on June 1, 2027.

9 SECTION 3. This Act shall take effect upon its approval.



S.B. NO. 2706
S.D. 1
H.D. 1

APPROVED this **9th** day of **July**, 2024



GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 22, 2024
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2024.


President of the Senate


Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 5, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives