

JOSH GREEN, M.D.  
GOVERNOR



**STATE OF HAWAII**  
**HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**  
**E HUIKALA A MA'EMA'E NŌ**  
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MARK PATTERSON  
CHAIR

CHRISTIN M. JOHNSON  
OVERSIGHT COORDINATOR

COMMISSIONERS  
HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

TO: The Honorable David A. Tarnas, Chair  
The Honorable Mahina Poepoe, Vice Chair  
House Committee on Judiciary and Hawaiian Affairs

FROM: Mark Patterson, Chair  
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 132, Relating to Expungement  
Hearing: Thursday, January 30, 2025; 2:00 p.m.  
State Capitol, Room 325

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (HCSOC) **supports** House Bill 132, Relating to Expungement, which makes an amendment to the Department of the Attorney General pilot project for a state-initiated expungement process of arrest records concerning promoting a detrimental drug in the third degree to include the possession of any schedule V substance in any amount.

Expungement of criminal records allows those impacted to have more and better job opportunities, better education opportunities, more options for housing, and removes the stigma of having a criminal record.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-900-2200 or at [christin.m.johnson@hawaii.gov](mailto:christin.m.johnson@hawaii.gov). Thank you for the opportunity to testify.

STATE PUBLIC DEFENDER

**DEFENDER COUNCIL**  
1130 NORTH NIMITZ HIGHWAY  
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**HONOLULU OFFICE**  
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**DISTRICT COURT DIVISION**  
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**FAMILY COURT DIVISION**  
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STATE OF HAWAII  
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## HB NO.132 RELATING TO EXPUNGEMENT

Chair Tarnas, Vice Chair Poepoe, and Committee Members,

The Office of the Public Defender (OPD) **SUPPORTS THIS BILL**

An arrest can jeopardize a person's housing, job prospects, and earning capacity. Long after a person is found not guilty at a trial, a judge dismisses the case, or even after a prosecutor decides not to bring charges at all, the arrest record remains. Employers and landlords hire non-government companies to run background checks on applicants, and when that arrest record comes up, the applicants' chances of getting the job or landing a place to live shrink.

The only way to get the record expunged is through an application process initiated by the arrestee. Because it is not a criminal case, they are not entitled to representation or assistance from the Office of the Public Defender. They are expected to track down data, information, make necessary attachments, and then submit the form to the State. For people with limited assets, access to information, and funds, this is another barrier, and, in some cases, it is insurmountable. This bill takes the logical step of having the expungement process initiated by the State. As the state is in possession of the record, it should be left to the State to expunge the record when cases do not result in a conviction.

We are grateful for the recent collaboration of the Judiciary, the Office of the Attorney General, and legal service providers to assist in hosting two expungement clinics on Oahu in the last several months in Waianae on September 28, 2024, and Waimanalo on January 11, 2025.

According to our records, at the Waianae clinic processed 119 cases, worked with 80 individuals regarding prospective expungement, and submitted 72 of those individuals' cases for expungement. The Waimanalo clinic processed 42 cases, and submitted 41 of those individuals' cases for expungement.

We are certain that there are hundreds of individuals in all districts throughout the state which could benefit from expungement, and continue to lead law abiding lives without the burden of an easily searchable record which would discriminate them from contributing to our community.

# COMMUNITY ALLIANCE ON PRISONS

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*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Thursday, January 30, 2025

Room 325 & VIDEOCONFERENCE

2:00 PM

### STRONG SUPPORT FOR HB 132 - EXPUNGEMENT

Aloha Chair Tarnas, Vice Chair Poepoe and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the 3,717 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on any given day. We are always mindful that 928 - 29% - of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates the opportunity to strong support HB 132 that makes an amendment to the Department of the Attorney General **pilot project for a state-initiated expungement process of**

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<sup>1</sup> DCR Weekly Population Report, January 20, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/01/Pop-Reports-Weekly-2025-01-20.pdf>

**arrest records** concerning promoting a detrimental drug in the third degree to include the possession of any schedule V substance in any amount.

Last session it was reported that there way too many arrest records where no conviction resulted. Sadly, Hawai`i law places the onus on the individual to clear their name. It is common knowledge that a criminal record is a HUGE barrier to reentry, to accessing housing, to finding employment, among a host of other hurdles for the individuals released from incarceration.

It doesn't have to be this way, therefore, Community Alliance on Prisons is in full support of HB 132 and urges the committee to consider this bill in the interest of justice.

Mahalo for this opportunity to share our thoughts on this bill that will improve the quality of justice in Hawai`i nei and start the process of rebuilding trust in our government.

**HB-132**

Submitted on: 1/27/2025 10:20:41 AM

Testimony for JHA on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
TY Cheng	TY CHENG	Support	Remotely Via Zoom

Comments: To: Representative David Tarnas, Chair Representative Mahina Poepoe, Vice-Chair Members of the House Judiciary & Hawaiian Affairs Committee Fr: TY Cheng, on behalf of Aloha Green Apothecary. Re: Testimony In Support on House Bill (HB) 132 RELATING TO CANNABIS Makes an amendment to the Department of the Attorney General pilot project for a state-initiated expungement process of arrest records concerning promoting a detrimental drug in the third degree to include the possession of any schedule V substance in any amount Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee: Aloha Green Apothecary is one of the state-licensed cannabis dispensaries on Oahu. Aloha Green Apothecary supports HB132 to expand upon the successes of the pilot project from the 2024 session. The failed war on drugs has caused irreparable harm to our community and this bill is a step towards healing and social justice. Thank you for the opportunity to testify.



Testimony from Adrian Rocha  
Director of Policy  
Last Prisoner Project

**RE: Support for House Bill 132 Expungement; Pilot Project; Promotion of a Drug in the Third Degree; Schedule V Substance**

January 30, 2025

Dear Members of the Committee on Judiciary and Hawaiian Affairs,

The Last Prisoner Project (LPP) has worked in Hawai'i since 2021 to ensure that retroactive relief is provided for those who have been criminalized by cannabis prohibition. After several years of engaging with various stakeholders, HB 1595 (Act 62) was passed during the last session and signed into law, creating a pilot project for a state-initiated expungement process of arrest records.

The changes proposed by HB 132 aim to resolve a technical issue encountered by the Hawai'i Criminal Justice Data Center (HCJDC) in trying to expunge criminal records made eligible for relief by Act 62. Act 62 stipulates that only criminal records explicitly stating the substance associated with the charge is "marijuana" are eligible for the state-initiated expungement process. However, because the information contained in the statewide criminal history record information system (CJIS) is generally limited to a charge by statute, not by substance, determining the substance associated with the statute has created an unintentional, unnecessary, and undue burden on the HCJDC and its staff to manually search various records and databases to determine whether a record is eligible for expungement or not under Act 62. The bill before the Committee today, HB 132, offers a single, simple amendment to address this issue and help further streamline the state-initiated expungement process. HB 132 will make the state-initiated expungement process less laborious by reducing the staff time involved in tracking down supporting data and documents.

LPP would like to thank the HCJDC, the Department of the Attorney General, law enforcement, and all other agencies and stakeholders who have worked diligently to implement Act 62.

We urge the members of the Committee on Judiciary and Hawaiian Affairs to pass HB 132.

**About Last Prisoner Project**

The Last Prisoner Project, a 501(c)(3) nonprofit organization, is a national, nonpartisan organization focused on the intersection of cannabis and criminal justice reform. Through policy campaigns, direct intervention, and advocacy, LPP's policy experts work to redress the past and continuing harms of unjust cannabis laws.

**HB-132**

Submitted on: 1/29/2025 8:34:26 PM

Testimony for JHA on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Tomchak	League of Women Voters	Support	Written Testimony Only

Comments:

Committee on Judiciary and Hawaiian Affairs

Chair David A. Tarnas, Vice Chair Mahina Poepoe

January 30, 2025, 2:00 PM Conference Room 325

HB132— Relating to Expungement

**TESTIMONY**

Laurie Tomchak Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Poepoe,, and Committee Members:

The League of Women Voters of Hawaii supports HB132 Attorney General Expungement, Promotion of a Drug in the Third Degree, Schedule V Substances

Makes an amendment to the Department of the Attorney General pilot project for a state-initiated expungement process of arrest records concerning promoting a detrimental drug in the third degree to include the possession of any schedule V substance in any amount.

The League of Women Voters supports this amendment to the pilot program which expands the substances included in the expungement of arrest records. Expungement is an important tool in the reintegration of incarcerated persons into society, by making it possible for them to seek employment, education, and housing without stigma. If they do not reoffend, and go through rehabilitation and probation, they can become productive members of society, rather than being warehoused in our corrective facilities.



Thank you for the opportunity to submit testimony.

Laurie Tomchak



Committee: Judiciary & Hawaiian Affairs  
Hearing Date/Time: Thursday, January 30, 2025 at 2:00PM  
Place: Conference Room 325 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 132 Relating to Expungement**

Dear Chair Tarnas, Vice Chair Poepoe and Committee Members:

The ACLU of Hawai'i strongly supports H.B. 132 which makes an amendment to the Department of the Attorney General's pilot project for a state-initiated expungement process of arrest records concerning promoting a detrimental drug in the third degree to include the possession of any schedule V substance in any amount.

ACLU of Hawai'i continues to advocate for the enactment of a comprehensive Clean Slate law to clear past eligible records for people who have arrest (non-conviction) records and for those who have completed their sentence and remained crime free. By clearing records, people will have greater access to jobs, housing and other life opportunities.<sup>1</sup>

Taking an incremental approach towards records clearance, in 2024, the Hawai'i Legislature passed HB 1592 (Act 62), creating a pilot project of a state initiated expungement process of arrest records limited to Hawai'i County.

The proposed measure will resolve a technical issue encountered by the Hawai'i Criminal Justice Data Center (HCJDC) in trying to expunge criminal records made eligible for relief by Act 62. Please pass H.B. 132.

Sincerely,

**Carrie Ann Shiota**  
Policy Director

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization founded in 1965 that provides its services at no cost to the public and does not accept government funds.*

American Civil Liberties Union of Hawai'i  
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<sup>1</sup> <https://www.cleanslateinitiative.org/>

**HB-132**

Submitted on: 1/27/2025 11:58:43 AM

Testimony for JHA on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

My name is Carla Allison, a 28 year resident of Honolulu and I strongly support HB132.

**HB-132**

Submitted on: 1/28/2025 10:09:47 AM

Testimony for JHA on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Carolyn Eaton. I am a Makiki resident and staunch supporter of the Hawai'i Correctional System Oversight Commission.

If and when this measure is approved and enacted it will remove the onus of initiating expungement of an arrest record for promoting a detrimental drug in the third degree from the individual, who was not convicted, to a pilot project of the Department of the Attorney General, such that state-initiated expungement of the arrest record in these cases becomes the process.

The individuals involved in this sort of arrest face reentry with a record, an almost insurmountable obstacle to daily survival. The pilot project should turn up any problems and smooth reentry for most.

Please allow this worthy transfer of responsibility to make state-initiated expungement the norm in these cases.

Mahalo for your wise consideration of this measure and for considering my position in support of HB132.