



# Maui Police Department

55 Mahalani Street  
Wailuku, HI 96793



## FACSIMILE TRANSMISSION COVER SHEET

DATE : 02 - 16 - 2010

TO :	The Honorable Jon Riki Karamatsu, Chair, and
AGENCY NAME :	Members of the Committee on Judiciary
OFFICE PHONE NO. :	
FAX PHONE NO. :	(808) 586-8494, 1-800-535-3859

FROM :	Gary Yabuta
DIVISION/SECTION :	Chief of Police
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Contents :	Testimony from Maui Police Department
Comments :	H.B. No. 1765 Relating to Criminal Procedure.
	Criminal Procedure; Expungement
	H.B. No. 1765 will be heard on Tuesday, Feb. 16, 2010, 2:00 pm

MPD Form No. 171 (01/02)



CHARMAINE TAVARES  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

## POLICE DEPARTMENT COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
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GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

February 16, 2010

The Honorable Jon Riki Karamatsu, Chair  
And members of the Committee on Judiciary  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Re: **H.B. Bill No. 1756, Relating to Criminal Procedure; Expungement**

Dear Chair Karamatsu and Members:

The Maui Police Department does not support House Bill No. 1756.

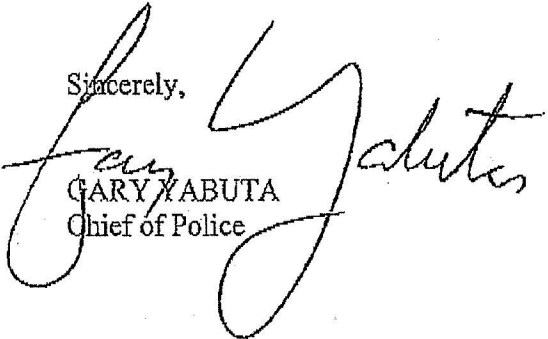
House Bill No. 1756 allows for expungement of convictions for non-violent offenses that are over 5 years old for all offenses not specifically excluded by the bill. This would drastically alter Hawai'i's current expungement law, to the detriment of public safety, by allowing convicted offenders to hide their history of criminal conduct. Repeat offenders are and should continue to be treated differently than first time offenders.

In a broader sense, the provisions of this bill would conflict with many important state and national systems and programs that require accurate and comprehensive criminal history records like homeland security programs, immigration, sex offender registration programs, DNA database programs, criminal justice and corrections programs, and national criminal history records system.

The Maui County Police Department asks that you not support House Bill No. 1756.

Thank you for the opportunity to testify.

Sincerely,

  
GARY YABUTA  
Chief of Police

# HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

TO: Chair Karamatsu, Vice-Chair Ito, and Committee Members

FR: Jane Seymour, Hawaii State Coalition Against Domestic Violence

Hearing date and time: Tuesday, February 16, 2010 at 2:00pm

RE: Opposition to HB 1756: Relating to Criminal Procedure

Aloha, my name is Jane Seymour and I am representing the HSCADV, a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV strongly opposes HB 1756.

The HSCADV is concerned that this bill would allow for the expungement of numerous offenses relating to domestic violence and sexual assault, including Abuse of a Family or Household Member. Domestic violence is historically one of the most under reported crimes, and in fact most victims of domestic violence experience several incidents of abuse before police are even contacted.

It would not be unusual for a batterer to go five years without having a repeat conviction; however this certainly does not mean that a batterer has not committed other acts of abuse during this time period. Batterers use a cycle of power and control with their partners, creating an environment in which the victim may be too intimidated to seek police intervention for every incident. Many women are often too scared to call police or have simply learned that the criminal justice system cannot protect or help them. Battering is commonly a repeat crime and it is important that criminal justice treat repeat offenders as such.

We are concerned that this bill would create a serious safety risk for victims of domestic violence and therefore, we strongly encourage you to hold HB 1756. Thank you for the opportunity to testify.