

JAN 22 2021

A BILL FOR AN ACT

RELATING TO EXPUNGEMENT.

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

1 SECTION 1. Chapter 706, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "**§706- Expungement; records relating to homelessness.**

5 (a) Notwithstanding any law to the contrary, upon written
6 application, a person may apply to the court for an order to
7 expunge from all official records all recordation relating to
8 the person's citation, arrest, indictment, or information,
9 trial, finding of guilt, dismissal and discharge, or other
10 disposition for any and all offenses described under section
11 708-814.7, 711-1105, and any statute, ordinance, or rule not
12 involving bodily harm or the threat of bodily harm, where the
13 person's conduct or alleged conduct underlying each offense was
14 substantially related to the person's homeless status.

15 (b) If the court determines that the person:

16 (1) Has satisfied all requirements of any judgments
17 relating to the offense or offenses described in the



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1 person's application, other than the payment of any
2 outstanding fines and fees; and
3 (2) Has expressed a willingness to seek financial or
4 mental health counseling, if financial or mental
5 health challenges may contribute to their becoming or
6 remaining homeless;
7 the court shall enter the order and shall waive any outstanding
8 fines and fees associated with the described offense or
9 offenses. The order shall include all recordation retained by
10 the county police departments and the department of the attorney
11 general.

12 (c) The effect of the order shall be to restore the
13 person, in the contemplation of the law, to the status the
14 person occupied before the citation, arrest, indictment or
15 information, trial, conviction, dismissal and discharge, or
16 other disposition.

17 (d) No person to whom the order has been entered shall be
18 held thereafter under any provision of any law to be guilty of
19 perjury or otherwise giving a false statement by reason of the
20 person's failures to recite or acknowledge the citation, arrest,
21 indictment or information, trial, conviction, dismissal and



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1 discharge, or other disposition in response to any inquiry made
2 of the person for any purpose.

3 (e) A document substantially in the following form may be
4 used to apply for a court order to expunge from all official
5 records all recordation as described in this section; provided
6 that the court may designate the time and location of filing and
7 may require additional information necessary to establish the
8 identity of the applicant whose records are being expunged and
9 to make a determination as to whether the conduct or alleged
10 conduct underlying any offense was substantially related to the
11 person's homeless status at the time of the offense.

12 STATE OF HAWAII

13 APPLICATION FOR EXPUNGEMENT OF RECORDS FOR OFFENSES

14 RELATING TO HOMELESSNESS

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

16 Other Names Used:

17 Social Security Number:

18 Date of Birth:

19 Home Address (if applicable):

20 Mailing Address (if available):

21 Phone (if available):



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1 Email (if available):

2 Pursuant to section 706-___, Hawaii Revised Statutes, I,
3_(print name), hereby request an order to
4 expunge from all official records all recordation relating to
5 any citation, arrest, indictment, or information, trial, finding
6 of guilt, dismissal and discharge, or other disposition for
7 offenses described under Hawaii Revised Statutes section 708-
8 814.7, section 711-1105, and the following statutes, ordinances,
9 or rules:.....

10 I attest that any conduct or alleged conduct underlying the
11 offenses described above was substantially related to my status
12 of being homeless at the time of each offense. (initial
13 here)

14 I understand that the court may require further information
15 relevant to a determination regarding whether the conduct or
16 alleged conduct underlying any offense described above was
17 substantially related to my status of being homeless at the time
18 of each offense. (initial here)

19 I understand that expungement may not be available for
20 offenses involving bodily harm or the threat of bodily harm.
21 (initial here)

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1 I do/do not (circle one) believe that financial or mental
2 health challenges contributed to my status of being homeless at
3 the time of the above described offenses. (initial here)

4 I do/do not (circle one) believe that financial or mental
5 health challenges may contribute to my becoming or remaining
6 homeless now or in the future. (initial here)

7 I am willing to seek financial or mental health counseling
8 opportunities, if available, if financial or mental health
9 challenges may contribute to my becoming or remaining homeless.
10 (initial here)

11 DATE

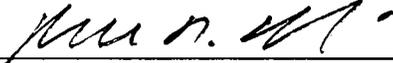
12 SIGNATURE

13 PRINTED NAME"

14 SECTION 2. New statutory material is underscored.

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

16

INTRODUCED BY: 
By Request



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Report Title:

Office of Hawaiian Affairs (OHA) Package; Expungement

Description:

Authorizes a court to expunge the records of a person for certain offenses if they are substantially related to the person's homeless status.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

