
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:

11 (1) Offenses described pursuant to section 708-814.7;

12 (2) Offenses described pursuant to section 711-1105;

13 (3) Offense not higher than a misdemeanor if the offense
14 is substantially related to the person's homeless
15 status; or

16 (4) Offense described by any statute, ordinance, or rule
17 not involving bodily harm or the threat of bodily



1 harm, where the person's conduct or alleged conduct
2 underlying each offense was substantially related to
3 the person's homeless status;

4 provided that such offense or offenses are not felonies.

5 Nothing in this section shall be construed to prevent a person
6 from applying to the court for an order to seal.

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

8 (1) Has satisfied all requirements of any judgments
9 relating to the offense or offenses described in the
10 person's application, other than the payment of any
11 outstanding fines and fees; and

12 (2) Has expressed a willingness to seek financial or
13 mental health counseling, if financial or mental
14 health challenges may contribute to their becoming or
15 remaining homeless;

16 the court shall enter the order and shall waive any outstanding
17 fines and fees associated with the described offense or
18 offenses. The order shall include all recordation retained by
19 the county police departments and the department of the attorney
20 general.



1 (c) The effect of the order shall be to restore the
2 person, in the contemplation of the law, to the status the
3 person occupied before the citation, arrest, indictment or
4 information, trial, conviction, dismissal and discharge, or
5 other disposition.

6 (d) No person to whom the order has been entered shall be
7 held thereafter under any provision of any law to be guilty of
8 perjury or otherwise giving a false statement by reason of the
9 person's failures to recite or acknowledge the citation, arrest,
10 indictment or information, trial, conviction, dismissal and
11 discharge, or other disposition in response to any inquiry made
12 of the person for any purpose.

13 (e) A document substantially in the following form may be
14 used to apply for a court order to expunge all official records
15 all recordation as described in this section; provided that the
16 court may designate the time and location of filing and may
17 require additional information necessary to establish the
18 identity of the applicant whose records are being expunged and
19 to make a determination as to whether the conduct or alleged
20 conduct underlying any offense was substantially related to the
21 person's homeless status at the time of the offense.



1 STATE OF HAWAII
2 APPLICATION FOR EXPUNGEMENT OF RECORDS FOR OFFENSES
3 RELATING TO HOMELESSNESS

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

5 Other Names Used:

6 Social Security Number:

7 Date of Birth:

8 Home Address (if applicable):

9 Mailing Address (if available):

10 Phone (if available):

11 Email (if available):

12 Pursuant to section 706- , Hawaii Revised Statutes, I,
13 (print name), hereby request an order to
14 expunge all official records all recordation relating to any
15 citation, arrest, indictment, or information, trial, finding of
16 guilt, dismissal and discharge, or other disposition for
17 offenses described under Hawaii Revised Statutes section 708-
18 814.7, section 711-1105, and the following statutes, ordinances,
19 or rules:.....

20 I attest that any conduct or alleged conduct underlying the
21 offenses described above was substantially related to my status



1 of being homeless at the time of each offense. (initial
2 here)

3 I understand that the court may require further information
4 relevant to a determination regarding whether the conduct or
5 alleged conduct underlying any offense described above was
6 substantially related to my status of being homeless at the time
7 of each offense. (initial here)

8 I understand that expungement may not be available for
9 offenses involving bodily harm or the threat of bodily harm.
10 (initial here)

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

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

17 I am willing to seek financial or mental health counseling
18 opportunities, if available, if financial or mental health
19 challenges may contribute to my becoming or remaining homeless.
20 (initial here)

21 DATE



1 SIGNATURE

2 PRINTED NAME"

3 SECTION 2. New statutory material is underscored.

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



Report Title:

Office of Hawaiian Affairs 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. (SD1)

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

