

STAND. COM. REP. NO.

1866

Honolulu, Hawaii

MAR 31, 2023

RE: S.B. No. 410
S.D. 1
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 410, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT,"

begs leave to report as follows:

The purpose of this measure is to require:

- (1) The Director of Transportation, Judiciary, and Examiners of Drivers to exclude dismissed traffic citations from a person's record, including the traffic abstract, and the Judiciary's publicly accessible electronic databases; and
- (2) The court to automatically seal or remove from the Judiciary's publicly accessible electronic databases any information relevant to the arrest or case of a person for whom an expungement order has been entered and transmitted to the court.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Community Alliance on Prisons, American Civil Liberties Union of Hawai'i, Hawai'i Workers Center, and one individual. Your Committee received comments on

2023-3064 SB410 HD2 HSCR HMSO



this measure from the Judiciary and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that information related to arrests and cases that have been dismissed or expunged should not appear on an individual's record or publicly available government databases. Streamlining the removal of this information can improve an individual's quality of life by removing potential barriers to employment, housing, financial lending, and education.

Your Committee has amended this measure by:

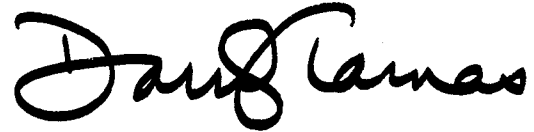
- (1) Amending the preamble to clarify that all law enforcement agencies will continue to have access to information regarding dismissed and expunged cases, regardless of whether those agencies utilize publicly accessible or other types of electronic databases;
- (2) Deleting language that would have prohibited:
 - (A) The inclusion of information relating to dismissed traffic citations in the Judiciary's publicly accessible electronic databases; and
 - (B) The Judiciary and Examiner of Drivers from including dismissed traffic citations in a driver's record provided to certain users or their agents for enforcement purposes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that the Judiciary is requesting a one-time appropriation of \$70,000 for software code changes.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 410, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 410, S.D. 1, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,

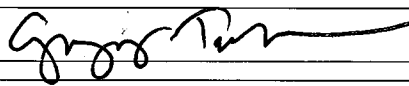


DAVID A. TARNAS, Chair



HSCR 1866

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 410, SD1, HD1	Committee Referral: CPC, JHA		Date: 3/29/2023	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	/			
2. TAKAYAMA, Gregg (VC)	/			
3. GANADEN, Sonny	/			
4. HOLT, Daniel				/
5. HASHIMOTO, Troy N.	/			
6. ICHIYAMA, Linda	/			
7. ILAGAN, Greggor				/
8. KONG, Sam Satoru	/			
9. MIZUNO, John M.	/			
10. SOUZA, Kanani	/			
TOTAL (10)	8	-	-	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				