

Honolulu, Hawaii

MAR 02 2023

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 410 entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the court to automatically seal or remove from the Judiciary's publicly accessible database any information relevant to the arrest or case of a person for whom an expungement order has been entered; and
- (2) Require the Judiciary and the Examiner of Drivers to no longer include dismissed traffic citations in public driver's records.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Opportunity Youth Action Hawai'i, Community Alliance on Prisons, and five individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that court records that have been dismissed or expunged from a person's record may still be accessed by prospective employers, landlords, lenders, educational institutions, and others. Though dismissed or expunged, these records can be regarded negatively and have a significant and



long-lasting impact on a person's future. Your Committee further finds that there is no process currently available to request traffic citations that have been dismissed to be excluded from a person's record, such as a traffic abstract. For a person who has received an expungement order, the current process to have their records and other information pertaining to the arrest or case sealed or removed from the Judiciary's publicly accessible electronic database requires an additional petition. This measure will streamline the process for people who need their records to be expunged.

Your Committee has amended this measure by:

- (1) Adding legislative findings to explain the purpose of the measure;
- (2) Inserting language that prohibits dismissed traffic citations from appearing in the traffic abstract for all drivers, not just commercial drivers; and
- (3) Inserting an effective date of July 1, 2024.

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

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 410	Committee Referral: JDC	Date: 2/17/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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***Only one measure per Record of Votes**