



**GOV. MSG. NO. 1269**

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 2, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 2, 2024, the following bill was signed into law:

HB2513 HD1 SD1

RELATING TO EXPUNGEMENT.  
**ACT 168**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

**H.B. NO.** 2513  
H.D. 1  
S.D. 1

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# A BILL FOR AN ACT

RELATING TO EXPUNGEMENT.

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

1 PART I

2 SECTION 1. The legislature finds that a person's criminal  
3 record may affect that person long after the person has served  
4 their sentence. Persons under the age of twenty-one who engaged  
5 in driving under the influence of an intoxicant, and persons who  
6 committed first-time property offenses, may have criminal  
7 records that make it difficult to obtain housing, a job, or an  
8 education. The legislature believes that, in certain  
9 circumstances, convicted persons who have served their sentences  
10 and fulfilled all legal requirements should be given the  
11 opportunity to start over again.

12 Accordingly, the purpose of this Act is to expand  
13 expungement eligibility to persons whose convictions for  
14 consuming a measurable amount of alcohol while underage or  
15 first-time property offenses predated current expungement  
16 provisions.

17 PART II



1 SECTION 2. Section 291E-64, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:

3 "(e) Notwithstanding section 831-3.2 or any other law to  
4 the contrary, a person convicted of a first-time violation under  
5 subsection (b) (1) [~~7~~] or section 291-4.3, as it existed before  
6 Act 189, Session Laws of Hawaii 2000, who had no prior alcohol  
7 enforcement contacts, may apply to the court for an expungement  
8 order upon attaining the age of twenty-one, or thereafter, if  
9 the person has fulfilled the terms of the sentence imposed by  
10 the court and has had no subsequent alcohol or drug related  
11 enforcement contacts[~~-~~]; provided that this subsection shall not  
12 apply to persons in possession of a commercial learner's permit  
13 or commercial driver's license or convicted in a commercial  
14 motor vehicle or while transporting hazardous materials."

15 PART III

16 SECTION 3. Section 706-622.9, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§706-622.9 Sentencing for first-time property offenders;  
19 expungement. (1) Notwithstanding section 706-620(3), a person  
20 convicted for the first time of any class C felony property  
21 offense under chapter 708 who has not previously been sentenced



1 under section 706-606.5, section 706-622.5, or this section [~~is~~]  
2 shall be eligible to be sentenced to probation under subsection  
3 (2) if the person meets the following criteria:

4 (a) The court has determined that the person is nonviolent  
5 after reviewing the person's criminal history, the  
6 factual circumstances of the offense for which the  
7 person is being sentenced, and any other relevant  
8 information;

9 (b) The person has been assessed by a certified substance  
10 abuse counselor to be in need of substance abuse  
11 treatment due to dependency or abuse under the  
12 applicable Diagnostic and Statistical Manual and  
13 Addiction Severity Index;

14 (c) The court has determined that the offense for which  
15 the person is being sentenced is related to the  
16 person's substance abuse dependency or addiction;

17 (d) The court has determined that the person is genuinely  
18 motivated to obtain and maintain substance abuse  
19 treatment, based upon consideration of the person's  
20 history, including whether substance abuse treatment  
21 has previously been afforded to the person, and an



1 appraisal of the person's current circumstances and  
2 attitude; and

3 (e) Except for those persons directed to substance abuse  
4 treatment under the supervision of the drug court, the  
5 person presents a proposal to receive substance abuse  
6 treatment in accordance with the treatment plan  
7 prepared by a certified substance abuse counselor  
8 through a substance abuse treatment program that  
9 includes an identified source of payment for the  
10 treatment program.

11 (2) A person eligible under subsection (1) may be  
12 sentenced to probation to undergo and complete a substance abuse  
13 treatment program if the court determines that the person can  
14 benefit from substance abuse treatment and, notwithstanding that  
15 the person would be subject to sentencing as a repeat offender  
16 under section 706-606.5, the person should not be incarcerated  
17 to protect the public. If the person fails to complete the  
18 substance abuse treatment program and the court determines that  
19 the person cannot benefit from any other suitable substance  
20 abuse treatment program, the person shall be sentenced as  
21 provided in this part. As a condition of probation under this



1 subsection, the court may direct the person to undergo and  
2 complete substance abuse treatment under the supervision of the  
3 drug court if the person has a history or relapse in treatment  
4 programs. The court may require other terms and conditions of  
5 probation, including requiring that the person contribute to the  
6 cost of the substance abuse treatment program, comply with  
7 deadlines for entering into the substance abuse treatment  
8 program, and reside in a secure drug treatment facility.

9 (3) Upon written application from a person sentenced under  
10 this part or a probation officer, the court shall issue a court  
11 order to expunge the record of conviction for that particular  
12 offense; provided that a person has successfully completed the  
13 substance abuse treatment program and complied with other terms  
14 and conditions of probation. A person sentenced to probation  
15 under this section shall be eligible for expungement under this  
16 subsection only if the person has not been previously convicted  
17 of a felony offense in this or another jurisdiction.

18 (4) A person sentenced before June 22, 2006, for any class  
19 C felony property offense under chapter 708, and who would have  
20 qualified for sentencing pursuant to this section had that  
21 person been sentenced after the enactment of this section, and



1 who otherwise meets all the requirements of this section for  
2 expungement, may apply to a court for expungement of the record  
3 of conviction for the property offense.

4 The court, upon written application from the person, shall  
5 issue a court order to expunge the record of conviction for the  
6 property offense; provided that:

- 7 (a) The person has complied with the terms of the sentence  
8 imposed by the court;
- 9 (b) The court finds that the person would in fact have  
10 qualified for expungement pursuant to this section;
- 11 (c) The person has not been convicted of a felony offense  
12 in this or another jurisdiction before or after the  
13 conviction for which the person is applying for  
14 expungement; and
- 15 (d) The court makes the finding that the person is  
16 currently nonviolent, based upon the court's review of  
17 the person's current criminal history, the factual  
18 circumstances of the offense for which the person is  
19 seeking expungement, and any other relevant  
20 information.

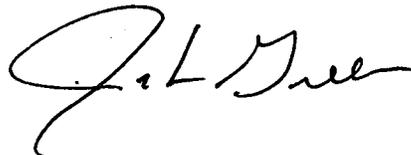




1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 2nd day of July , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 2513, HD 1, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 18, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives

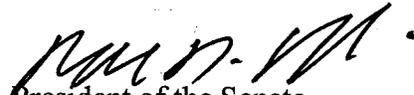


Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 4, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.



President of the Senate



Clerk of the Senate