

STAND. COM. REP. NO. **2760**

Honolulu, Hawaii

FEB 29 2024

RE: S.B. No. 2522

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2522 entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to allow persons convicted of certain criminal violations to apply to the court for an expungement order under certain circumstances.

Your Committee received testimony in support of this measure from the Office of the Public Defender and Opportunity Youth Action Hawai'i.

Your Committee received testimony in opposition to this measure from the Crime Victim Compensation Commission and Mothers Against Drunk Driving Hawaii.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that a person's criminal record may affect that person long after the person has served their sentence. Persons who engaged in driving under the influence of an intoxicant while under the age of twenty-one, and persons who committed first-time property offenses, may have criminal records that make it difficult to obtain housing, a job, or an education.



Your Committee believes that, in certain circumstances, convicted persons who have served their sentences and fulfilled all legal requirements should be given the opportunity to start over again. This measure will give offenders who have finished their sentences and made positive changes in their lives a second chance to start anew.

Your Committee has amended this measure by:

- (1) Deleting language that would have made Act 230, Session Laws of Hawaii 2006, retroactive to allow people who were sentenced prior to the effective date of Act 230 to expunge their convictions;
- (2) Inserting language:
 - (A) Allowing a person sentenced before June 22, 2006, for any class C felony property offense under chapter 708, Hawaii Revised Statutes, who meets certain requirements to apply to a court for expungement of the record of conviction for the property offense;
 - (B) Requiring a court, upon written application for expungement for an eligible felony property offense, to expunge the record of conviction if certain conditions are met;
 - (C) Specifying that if the court does not find that the person would have qualified for expungement of the record of conviction for the property offense, the court may order the record be expunged if the court finds that the person successfully completed a substance abuse treatment program; and
 - (D) Specifying that a person granted an expungement of the record of conviction for the property offense is not eligible for another expungement of the record of conviction for a property offense;
- (3) Amending section 1 to reflect its amended purpose; and



- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2522, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2522, 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

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|---|-----------------------------------|------------------------------|
| Bill / Resolution No.:* SB 2522 | Committee Referral: JDC | Date: 02 13 24 |
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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 | | | ✓ | |
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| TOTAL | 3 | 0 | 1 | 1/12 |

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes