

Honolulu, Hawaii

MAR 01 2024

RE: S.B. No. 2706
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. 2706 entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT OF CRIMINAL
RECORDS,"

begs leave to report as follows:

The purpose and intent of this measure is to expand
eligibility for, and automate, the expungement of conviction
records if certain criteria are met, including the lack of a
conviction record for a specified time period following the date
of conviction.

Your Committee received testimony in support of this measure
from the Office of the Public Defender, Democratic Party of
Hawai'i, Hawai'i Innocence Project, Beyond Guilt Hawai'i,
Opportunity Youth Action Hawai'i, ACLU of Hawai'i, and four
individuals.

Your Committee received testimony in opposition to this
measure from the Department of the Attorney General, Crime Victim
Compensation Commission, Office of the Prosecuting Attorney of the
County of Kaua'i, Department of the Prosecuting Attorney of the
County of Maui, Office of the Prosecuting Attorney of the County
of Hawaii, Mothers Against Drunk Driving Hawaii, Sex Abuse
Treatment Center, Retail Merchants of Hawaii, Hawai'i State
Coalition Against Domestic Violence, and five individuals.



Your Committee received comments on this measure from the Judiciary.

Your Committee finds that approximately seventy-seven million people in the United States, or one in three adults, have a criminal record, which can adversely affect a person's financial and housing security by limiting the person's access to employment, housing, or a professional license. Many states, including Hawai'i, have laws that allow persons who meet certain eligibility criteria to petition or apply for the removal of a criminal record. A procedure for automatic expungement of criminal records could streamline the legal process and eliminate the need for the eligible person to navigate the process, including at times hiring an attorney. Automatic expungement may also reduce recidivism and promote fairness and equity in the criminal justice system. However, your Committee finds that moving to an automatic expungement process is complex and should be carefully considered. Accordingly, your Committee believes that a task force should first examine the issues and develop a state-initiated program to clear convictions records.

Your Committee has amended this measure by:

- (1) Deleting language that would have:
 - (A) Expanded eligibility for, and automated, the expungement of conviction records if certain criteria were met; and
 - (B) Required the Attorney General, beginning December 1, 2026, to issue automatic expungement orders and the Judiciary to seal or remove information from publicly accessible databases;
- (2) Inserting language establishing the Clean Slate Expungement Task Force to develop a state-initiated record clearing program;
- (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. 2706, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2706, 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



