



The Judiciary, State of Hawaii

Testimony to the Thirty-Second Legislature, 2024 Regular Session

Senate Committee on Transportation and Culture and the Arts

Senator Chris Lee, Chair

Senator Lorraine Inouye, Vice Chair

Senate Committee on Commerce and Consumer Protection

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Tuesday, February 6 2024, 3:00 p. m.

State Capitol, Conference Room 224

By

Mai T. NguyenVan,

Information Technology and Systems Director, Hawai`i State Judiciary

Bill No. and Title: Senate Bill No. 2641, Relating to Traffic Abstracts.

Purpose: Limits moving violations arising from the operation of a motor vehicle that appear on traffic abstracts to those that resulted in convictions. Requires the Traffic and Emergency Period Violations Bureaus to remove all alleged moving violations not resulting in a conviction from certified abstracts. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation. Takes effect 7/1/2025.

Judiciary's Position:

Judiciary takes no position on the intent of this bill, but would like to submit testimony on system and operational impacts. Changes to the current traffic abstract will require software development time and resources. Operational impacts will depend on whether existing case management structures will need to change. To this end, the effective date and appropriation amount in Senate Bill 2641 as currently drafted are appropriate, with the following information as a caveat.



Senate Bill No. 2641, Relating to Traffic Abstracts
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Since 2005 the Judiciary Information Management System (JIMS) is used to generate the traffic abstract pursuant to Hawai'i Revised Statutes § 287-3 and includes all **alleged moving** violations (emphasis added). The Judiciary understands the intent of the measure as removing from public view alleged moving violations not resulting in a conviction from certified abstracts.

If this measure aims to limit the change only to the traffic abstract under HRS § 287-3, motorists will be able to continue to access alleged and pending traffic cases online via eCourt Kokua, the Judiciary public online application, and 1) may review upcoming court dates if the violations are contested, 2) may verify fines and fees due if they decide to pay, as well as, 3) may determine whether there are any unpaid parking tickets for their vehicle.

This is a valuable service for motorists and the public, and has a positive impact on operations at the traffic violation bureaus statewide as the public does not need to call the court to inquire. This allows registered owners of vehicles to check on any unpaid traffic tickets and parking citations. If this measure specifies that only the dismissed cases are removed from the eCourt Kokua system, but the pending ones remain until disposed, this may provide incentive to motorists and registered owners to answer timely to all pending violations. If the pending violations are removed from both the traffic abstract *and* public eCourt Kokua, the opposite may be true.

Once a case is entered into JIMS based on a traffic ticket, that information will be available to the public online via eCourt Kokua and the certified traffic abstract is not the sole mechanism by which the public can gain access to a motorist's driving information.

In short, if only the traffic abstract is changed and not the public eCourt Kokua system, alleged violations will be viewable online prior to disposition, even if the violation is ultimately dismissed. If this measure intends to block public viewing of all alleged violations, inclusive of all pending, dismissed, and convictions, that level of specificity is not provided for in the current draft.

Importantly, however, any amendment of the measure to do so may cause confusion internally in the Judiciary and externally with and among motorists, justice system partners, and other stakeholders, would require the Judiciary to make significant modifications to the JIMS system as it pertains to eCourt Kokua that would require funding above the amount included in the current draft of this measure, and would require significant operational changes that may not be feasible.

Again, the Judiciary respectfully thanks the Committee for setting an effective date of July 1, 2025 which gives the Judiciary time to prepare. We also thank the Committee for the appropriation of \$100,000 to cover the one-time cost for software code changes.

Thank you for the opportunity to testify on Senate Bill 2641.

SB-2641

Submitted on: 2/3/2024 7:05:29 PM

Testimony for TCA on 2/6/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Ann Shirota	Testifying for ACLU of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chairs Lee and Keohokalole, Vice Chairs and Committee Members:

The ACLU of Hawai'i supports S.B. 2641 that requires the Traffic and Emergency Period Violations Bureaus of the District Courts to remove all alleged moving violations not resulting in a conviction from certified abstracts.

This measure aligns with our Smart Justice campaign objectives to reduce the collateral consequences of court records. Moving violations that do not result in convictions may be used as the basis for rejecting a prospective employee for a job that involves a specialized driving license and/or driving duties.

In closing, we respectfully request your support of public policies that enhance employment opportunities. Please pass S.B. 2641

Sincerely,
Carrie Ann Shirota

ACLU of Hawaii Policy Director

SB-2641

Submitted on: 2/5/2024 7:27:53 AM

Testimony for TCA on 2/6/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Ferreira	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this Bill. There is no reason to show any moving violations on an abstract or anywhere else where the person was found not guilty or it was dismissed. All too often employers and others will look at an abstract and **STILL** request an explanation of a moving violation even when it was dismissed. Presumptive guilt is what an unqualified person reviewing an abstract will use including instituting an unwritten disqualification of someone with a dismissed or found innocent finding in a court case. Still the Bill does not go far enough. Moving violations where a conviction was obtained should only stay on the record 7 years with 10 years being the most.

I support this Bill as it has positive meaning and is rightfully intentioned.

Michael Ferreira

Makakilo

LATE

SB-2641

Submitted on: 2/5/2024 4:42:21 PM

Testimony for TCA on 2/6/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joshua Medeiros	Individual	Support	Written Testimony Only

Comments:

Aloha,

My Name Is Joshua Medeiros and I've been working with Senator Maile Shimabukuro for about 3 years. Sen Shimabukuro and her office was excited to to introduce this bill (SB 410) for the Judiciary (last Year) consideration. This year the bill is SB2641

I am humbly and respectfully asking your office to help us in this effort. It's a very simple bill, that would allow the People of Hawai'i to move forward collectively and positively.

Let me tell my story,

In 2021, I was denied Army Active Duty Service because of dismissed traffic citations showing up on my waiver. I have been serving in The Hawai'i Army National Guard (over 10 years). The HI-ARNG didn't consider those same citations as the Active Duty Component uses a whole person concept and stated that "those dismissed with prejudice citations looked less favorable for service"

I was also denied employment with a Large Hotel Chain due to a faulty background investigation check with these dismissed citations showing on my background check. I settled with the company that ran the report. (Background Company) I also found succes in the Hawai'i Civil Rights Commission with this same case against the (Large Hotel Chain) for discriminatory practices and also won in Federal Court. (Dismissed Traffic Citations was wrongfully included on a third-party background check)

Respectfully this could have avoided by not putting dismissed citations on a State of Hawai'I Citizen Abstract Report. The way the State of Hawai'i list it on the report, most companies inadvertently assume that its a conviction when that is not the case.....

This bill allows people not to be discriminated against when applying for jobs, jobs people so desperately need in a time of peril like these days.

Lasty, I've been informed by Sen Maile Shimabukuro's office that a person did not get hired because of a botched expungement attempt by himself.

The person was considered for The Hawai'i Library but on his expungement he was not aware on how to seal his court records. Although he expunged his record, he failed to have it sealed. (I completely understand his scenario because I successfully expunged and sealed my record, but its not that easy for an average layman)

I am praying for relief in the Judiciary and commerce and consumer committee to help our residents and citizens not have to go through this. Please have SB2641 Scheduled for a hearing.

Mahalo Nui Loa For Your Efforts!

Let's fight the good fight!