
A BILL FOR AN ACT

RELATING TO EXPUNGEMENT.

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

1 SECTION 1. The legislature finds that Act 62, Session Laws
2 of Hawaii 2024 (Act 62), is a vital pilot project that provides
3 needed relief to hundreds of Hawaii residents with criminal
4 records related to possession of small amounts of cannabis.
5 Since the implementation of Act 62, the legislature finds that
6 the efficiency and effectiveness of the law will be greatly
7 improved through modification. The purpose of this Act is to
8 amend Act 62 to include possession of a schedule V substance in
9 any amount to the charges that are eligible for expungement
10 under the pilot project.

11 SECTION 2. Act 62, Session Laws of Hawaii 2024, section 2,
12 is amended by amending subsection (b) to read as follows:

13 "(b) Notwithstanding section 831-3.2, Hawaii Revised
14 Statutes, or any other law to the contrary, the department of
15 the attorney general shall issue, without any written
16 application by the holder of an arrest record and on the



1 department's own initiative, an expungement order annulling,
2 cancelling, and rescinding the arrest record where:

- 3 (1) The arrest occurred before January 11, 2020;
- 4 (2) The arrest resulted in a single charge of violating
5 section 712-1249, Hawaii Revised Statutes[~~, for~~
6 ~~possessing marijuana~~];
- 7 (3) The arrest occurred in a county having a population
8 greater than two hundred thousand and less than five
9 hundred thousand persons;
- 10 (4) The criminal case terminated with a final disposition
11 other than a conviction; and
- 12 (5) An expungement order is not otherwise prohibited from
13 being issued by law, including section 831-3.2(a),
14 Hawaii Revised Statutes.

15 The department shall not charge the holder of the arrest record
16 any fee for the issuance of an expungement order pursuant to the
17 pilot project established by this section."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken.

20 SECTION 4. This Act shall take effect upon its approval.

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H.B. NO. 132

INTRODUCED BY:

Don Carnas

JAN 14 2025



H.B. NO. 132

Report Title:

AG; Expungement; Pilot Project; Promotion of a Drug in the Third Degree; Schedule V Substances

Description:

Makes an amendment to the Department of the Attorney General pilot project for a state-initiated expungement process of arrest records concerning promoting a detrimental drug in the third degree to include the possession of any schedule V substance in any amount.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

