

STAND. COM. REP. NO.

1350

Honolulu, Hawaii

MAR 24 2025

RE: H.B. No. 145
H.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 145, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to provide the Hawaii Criminal Justice Data Center with the statutory authority to transmit all expungement orders to the Judiciary.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Office of the Public Defender, ACLU of Hawai'i, Community Alliance on Prisons, and one individual.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee received comments on this measure from the Judiciary.

Your Committee finds that Act 159, Session Laws of Hawaii 2023, requires the court to automatically seal or remove from the Judiciary's publicly accessible databases any information relevant to the arrest or case of a person for whom an expungement order has been entered and transmitted to the court. The sealing and removal is to go into effect on July 1, 2025. However, under



existing law, the Hawaii Criminal Justice Data Center lacks the explicit statutory authority to forward expungement orders to the Judiciary, which hinders the Judiciary's ability to fulfil its obligations under section 831-3.2, Hawaii Revised Statutes. This measure will resolve this issue and allow the Judiciary to seal court cases from public view upon the filing of an expungement order issued by the Hawaii Criminal Justice Data Center.

Your Committee notes that, due to limitations of the Judiciary Information Management System (JIMS), the Judiciary is currently unable to seal only portions of cases while leaving the rest available to the public. Specifically, where the expungement order received from the Department of the Attorney General applies to only one (or more), but not all of either the charges filed against a particular defendant in a multiple offense case or the total defendants in the case, JIMS does not have the capacity to seal only those offenses or defendants that are the subject of the order, which requires the process to be done manually. Your Committee further notes that the Judiciary is currently working on solutions to these cases involving multiple-offense and multiple-defendant records.

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 H.B. No. 145, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



