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JUDICIARY COMM. NO. 9

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December 2, 2025

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Act 241, Session Laws of Hawai'i 2024, the Judiciary is transmitting a copy of the *Report of the Clean Slate Expungement Task Force*.

In accordance with Section 93-16, Hawai'i Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

Attachment

c: Legislative Reference Bureau Library

Report of the Clean Slate Expungement Task Force

**Submitted to the
Thirty-Third Legislature, Regular Session of 2026**

Pursuant to Act 241 (2024)

**Prepared by:
The Clean Slate Expungement Task Force**

December 2025

The Clean Slate Expungement Task Force (“Task Force”) was established by the Hawai‘i State Legislature in April of 2024 and signed into law by Governor Josh Green, M.D. as Act 241 on July 9, 2024. The main purpose of the Task Force is to develop a state-initiated record clearing program by providing recommendations on proposed legislation that:

- Expands access to employment, education, and other necessities required for successful reintegration as a member of society;
- Promotes equity and fairness by removing barriers within the criminal legal system that disproportionately impact marginalized communities;
- Enhances public safety by adopting best practices for clearing records that have been linked to a reduction in recidivism; and
- Streamlines the procedures involved in the record clearance process to reduce the time and resources required by the various state entities for implementation of record clearance.

Act 241 directed that the Task Force be composed of representatives from the following entities:

- The Judiciary;
- The Department of the Attorney General;
- The Office of Hawaiian Affairs;
- The Office of the Public Defender;
- The Offices of the Prosecuting Attorney of the County of Hawai‘i, County of Maui, City and County of Honolulu, and County of Kaua‘i;
- The Hawai‘i Innocence Project at the University of Hawai‘i at Mānoa William S. Richardson School of Law;
- The Hawaii Workers Center;
- The ACLU of Hawai‘i;
- The Hawai‘i Friends of Restorative Justice; and
- The Last Prisoner Project.

In addition, Act 241 directed the Task Force to invite two directly impacted individuals with lived experience in the criminal legal system to participate as members of the Task Force. Act 241 also directed the Task Force to seek technical assistance from the Clean Slate Initiative, Code for America, and SEARCH – System for the Electronic Analysis and Retrieval of Criminal Histories.

Throughout the year, we have had several changes in designated members due to changes in employment and entity affiliations. The current members of the Task Force are designated as follows:

- The Judiciary – Shellie Park-Hoapili, Chair;
- The Department of the Attorney General – Philip Higdon;
- The Office of Hawaiian Affairs – McKenna Woodward;

- The Office of the Public Defender – Voltaire Gansit;
- The Offices of the Prosecuting Attorney:
 - * County of Hawai‘i – Andrew Son,
 - * County of Maui – Shelly Miyashiro,
 - * City and County of Honolulu – Mark Yuen, and
 - * County of Kaua‘i – Michael Miranda;
- The Hawai‘i Innocence Project at the University of Hawai‘i at Mānoa William S. Richardson School of Law – Jennifer Brown;
- The Hawai‘i Workers Center – Nelson Salvador;
- The ACLU of Hawai‘i – Amanda Fernandes;
- The Hawai‘i Friends of Restorative Justice – Lorenn Walker; and
- The Last Prisoner Project – Adrian Rocha.

The Task Force also includes two directly impacted individuals with lived experience in the criminal legal system – Michelle Manalo and Kimberly Takata. Ms. Manalo is a resident of Hawai‘i Island and the director of finance of *Going Home Hawai‘i*. Ms. Manalo, who has experienced conviction and incarceration, works with men, women, and youth on similar journeys to support their reintegration into the community in hopes to inspire that change is possible. Ms. Takata is a resident of O‘ahu and brings both lived and professional experience with Hawai‘i’s criminal legal and reentry systems. Ms. Takata was incarcerated for 15 years, including 6 years in maximum custody lockdown, and was released in 2014. Today, she serves as a Reentry Oversight Specialist with the Hawai‘i Correctional System Oversight Commission, where she works directly with families impacted by incarceration.

The Task Force is considering adding, as a member, an individual from a victims’ rights group, as suggested in testimony related to Act 241. The inclusion of this additional member will offer an additional viewpoint as the Task Force works to advance comprehensive and meaningful recommendations to the Legislature.

OVERVIEW

The Task Force met throughout 2025, focusing on the underlying goals, potential areas of focus, and next steps. Members also conferred separately, in smaller subcommittees, focusing initially on fact findings and information gathering around key areas that were identified to compile relevant information. The Task Force was also fortunate to have had presentations conducted by the Clean Slate Initiative and Code for America, and SEARCH.¹ Sean Aronson, the Legislative Attorney from the Office of Representative David Tarnas, attends the meetings and has shared remarks, insights, and notable events with the Task Force.

¹ Additionally, throughout the year, there have been several bench warrant and expungement clinics held on O‘ahu. Several members of the Task Force have assisted in these clinics.

The Clean Slate Initiative and Code for America

On July 28, 2025, the Clean Slate Initiative (“CSI”) and Code for America (“CFA”) gave a presentation to the Task Force.² CSI is a bipartisan organization that builds partnerships to advance Clean Slate automated record sealing policies. CSI is working across the country, and in Congress, to pass and implement laws that automate record sealing for people with eligible records who have completed their sentence and remained crime-free; and that expand who is eligible for sealing. CFA is a non-profit technology organization that partners with government and communities to build digital tools and improve public service. CFA’s *Clear My Record* program collaborates closely with advocates, policymakers, and government to successfully pass and implement automatic record clearance policies.

CSI and CFA approach Clean Slate policy development in a systemized way, starting with a review of existing data systems and record sealing policy, and then assisting with the design of a new, efficient, and automated process. CSI and CFA work together to support states considering policy and process changes to record sealing by: (a) providing expert consultation (i) to assist with Clean Slate bill drafting, to design a technically feasible law that is consistent with best policy practices and (ii) to help develop successful implementation strategies, including demonstrating technical solutions, ensuring background check accuracy, and increasing awareness of Clean Slate; (b) facilitating connections between implementing agencies in different states, and amongst agencies and organizations within a state to surface solutions and best practices in implementation; and (c) elevating insights from leading research and data analysis to strengthen Clean Slate policy design, implementation, and impact. CSI aims to support effective implementation in all states that pass Clean Slate. CFA provides technical expertise to Clean Slate implementation, with a unique focus on technical feasibility.

According to CSI/CFA, developing a Clean Slate policy requires technical readiness and policy review. Technical readiness means review of current data systems, capabilities, and processes, and identify challenges and opportunities to increase efficiency while using existing infrastructure. Policy review means review of current record sealing policy, including eligibility criteria and process, and identify policy that can be modified to allow for a more streamlined and automated process that is effective and also reduces or eliminates manual work.

There are currently twelve (12) states (California, Colorado, Connecticut, Delaware, Michigan, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Utah, and Virginia), and Washington, D.C., that have passed Clean Slate laws that meet CSI’s policy minimums.

² On September 16, 2025, the House of Representatives Committee on Judiciary and Hawaiian Affairs held an informational briefing on the possibility of collaborating with CSI and CFA to expand record clearance efforts in Hawai‘i. The briefing was well attended, and included some Task Force members.

SEARCH (System for the Electronic Analysis and Retrieval of Criminal Histories)

On October 15, 2025, SEARCH gave a presentation to the Task Force.

Established in 1969, SEARCH is a membership organization of state criminal history repository and related system administrations. SEARCH aims to improve information sharing across the criminal justice system by focusing on research, information sharing, and best practices for maintaining and improving the quality and integrity of criminal history records data. SEARCH's mission is to (a) improve the administration of justice through effective application and responsible deployment of information and identification technologies; (b) develop and promote constitutionally balanced and effective law and policy governing the use and management of justice information and identification technologies; (c) enhance the efficiency, effectiveness, and quality of decision-making and information management through policy analysis, training, technical assistance, and systems development; and (d) inform and improve policy and practice in the administration of justice through evidence-based research and data.

SEARCH shared its long history of supporting Hawai'i's criminal justice programs:

- Implemented RapBack program in Hawai'i for federal notifications of arrests;
- In-state notifications of affects for all individuals on probation and parole to their supervising officers;
- Firearms registry searches by persons and firearm in the Hawai'i Integrated Justice Information Sharing ("HIJIS") Web Portal;
- Working on Permit-to-Carry search in the HIJIS Web Portal;
- Integrating prosecution dispositions into both the Criminal History Repository and Juvenile Justice System; and
- Hawai'i's National Incident Based Record System data processing.

SEARCH also shared its role in Clean Slate initiatives. In such initiatives, SEARCH's role is that of independent researchers, consultants, information providers, and educators. SEARCH is currently assessing the viability of legislation in Washington, and has done research and interviews with twelve states (California, Colorado, Connecticut, Delaware, Michigan, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Utah, and Virginia) to understand challenges (and solutions) relating to implementing Clean Slate legislation. SEARCH also hosts a Clean Slate Community of Practice, which is a national peer network of state and local justice practitioners who meet virtually quarterly and discuss progress, challenges, and innovative solutions.

SEARCH explained that some of the common challenges they see in implementing Clean Slate are: (a) Clean Slate is often "unchartered waters" for the justice community; (b) incomplete, old, or missing data; (c) complicated programming to determine eligibility criteria; (d) accessing multiple data sources; (e) stakeholder coordination and

management (e.g., competing priorities, resource allocation, and expectations versus reality); and (f) record subject notification/awareness.

The Task Force appreciates the expertise and enthusiasm of these entities to provide guidance, pathways, and assistance as we explore Clean Slate in Hawai'i.

INITIAL FINDINGS/RECOMMENDATION

The Task Force appreciates and understands that people should not be defined by their criminal records and should have a fair opportunity to contribute to their community, to work, to get an education, and to achieve their full potential. Expungement and sealing of court records is a critical mechanism to give people this opportunity – the chance to move forward with hope. Yet, the Task Force recognizes that expungement and sealing of court records is not a one-size, fit-all model.

Viewpoints respectfully differ regarding a fully automated expungement and sealing process versus a process that includes human review. Those that advocate for a human review process note the potential negative or unintended consequences of an automated process.³ Those who advocate for an automated process note that, although a petition-based model provides a mechanism for relief, it relies heavily on individual applications, agency processing, and court action, which can make it difficult to navigate, requires substantial resources, and produces uneven outcomes.

The Task Force recognizes that implementation of any state-initiated expungement or sealing process requires several considerations.

First, consideration of a state-initiated expungement or sealing process must balance the need and importance for second chances with robust public safety measures and protections for vulnerable populations. This balancing approach must consider support for law enforcement, victim rights and due process (e.g., take victim rights into account), exclusion of serious crimes, earned second chances, guardrails to protect vulnerable populations (e.g., incorporate essential safeguards to ensure public safety and protect vulnerable populations), and continued access for sensitive roles (e.g., records remaining accessible to law enforcement agencies for legitimate duties and for sensitive checks such as childcare, national security, or public safety roles).

³ In a pilot project in which 2,268 arrests were initially identified as potentially qualifying for expungement under Acts 062 (2024) and 005 (2025), a subsequent verification review revealed that 87 did not qualify, which, without verification, could have resulted in negative or unintended consequences.

Second, consideration of a state-initiated expungement or sealing process must also recognize the legal and procedural implications, including compliance with federal law.⁴ The timing of expungement must be taken into account.⁵

Third, consideration of a state-initiated expungement or sealing process must also weigh operational and fiscal impacts.⁶

At this time, the Task Force continues to explore all avenues of a state-initiated record clearing program in Hawai'i. Successful implementation of any change will require clear rule making, sufficient staffing and funding, and continued coordination among the many stakeholders to ensure accurate data matching and seamless record clearance. In the interim, the Task Force recommends that the Legislature consider implementing the following statutory amendments:

- Amend **HRS § 831-3.2(d)(1)(2)(3)** to authorize all State of Hawai'i criminal justice agencies and the non-criminal justice agencies identified in HRS § 846-2.7 to access expungement information. In other words, expunged records would remain confidential but would be accessible to criminal justice agencies, sentencing courts, firearm permitting authorities, agencies conducting fingerprint-based checks authorized by law, and as otherwise statutorily required.

NEXT STEPS

The Task Force will continue to meet throughout the upcoming year and will seek input from CSI/CFA, SEARCH, and other stakeholders as we continue to develop a strategy and final recommendations on Clean Slate in Hawai'i.

A copy of this report has been shared with all members of the Task Force.

⁴ Under the federal Gun Control Act (18 U.S.C. § 922(g)), certain individuals, including felons, those convicted of misdemeanor domestic violence, and unlawful users of controlled substances, are prohibited from possessing firearms or ammunition. In Hawai'i, felony convictions carry a minimum sentence of one year imprisonment and result in firearm disqualification under the National Instant Criminal Background Check System.

⁵ For example, records expunged prematurely may compromise ongoing or future prosecutions, hinder law enforcement investigations, jeopardize evidence integrity, and create confusion about an individual's legal status and case disposition.

⁶ The Hawai'i Criminal Justice Data Center ("HCJDC"), which is responsible for the statewide criminal history record information system, the statewide Automated Fingerprint Identification System, and the Adult Criminal Conviction Information Website, relies on revenue from expungement application fees to fund personnel and operations. State-initiated expungements without fee collection would significantly reduce this revenue, jeopardizing staffing and operational capacity. Funding must also cover law enforcement agencies and the Judiciary, which would incur additional workload to update records and manage related tasks.