

JON N. IKENAGA  
PUBLIC DEFENDER

**DEFENDER COUNCIL**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

**HONOLULU OFFICE**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

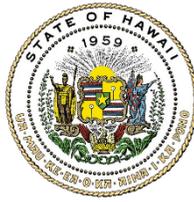
**APPELLATE DIVISION**  
TEL. No. (808) 586-2080

**DISTRICT COURT DIVISION**  
TEL. No. (808) 586-2100

**FAMILY COURT DIVISION**  
TEL. No. (808) 586-2300

**FELONY DIVISION**  
TEL. No. (808) 586-2200

**FACSIMILE**  
(808) 586-2222



STATE OF HAWAII  
**OFFICE OF THE PUBLIC DEFENDER**

HAYLEY Y. C. CHENG  
ASSISTANT PUBLIC DEFENDER

**HILO OFFICE**  
275 PONAHAHAWAI STREET  
SUITE 201  
HILO, HAWAII 96720  
TEL. No. (808) 974-4571  
FAX No. (808) 974-4574

**KONA OFFICE**  
75-1000 HENRY STREET  
SUITE #209  
KAILUA-KONA HI 96740  
TEL. No. (808) 327-4650  
FAX No. (808) 327-4651

**KAUAI OFFICE**  
3060 EIWA STREET  
SUITE 206  
LIHUE, HAWAII 96766  
TEL. No. (808) 241-7128  
FAX No. (808) 274-3422

**MAUI OFFICE**  
81 N. MARKET STREET  
WAILUKU, HAWAII 96793  
TEL. No. (808) 984-5018  
FAX No. (808) 984-5022

**March 13, 2026**

**HB 2279, HD1: RELATING TO EXPUNGEMENT ORDERS**

**Chair Fukunaga, Vice-Chair Lee and Members of the Committee on Public Safety and Military Affairs**

The Office of the Public Defender (OPD) **strongly supports** HB 2279 HD1, which amends Hawaii Revised Statutes § 831-3.2 to reflect the Hawai'i Supreme Court's holding in *Barker v. Young*, 153 Hawai'i 144 (2023), which clarified that a person who is initially arrested for or charged with a crime that is a felony, misdemeanor, or petty misdemeanor, but is later convicted of a violation, is eligible for an expungement of that person's arrest record.

HB 2279 HD1 codifies reforms that have already proven effective in helping individuals overcome minor infractions that previously prevented them from accessing employment, housing, and other opportunities that enable them to become productive and contributing members of our communities.

Since 2021, the OPD, in collaboration with the Judiciary and various community organizations have organized expungement and bench warrant recall clinics. A portion of the participants who attend the clinics seeking expungement are individuals whose cases were initially charged with misdemeanor or petty misdemeanor criminal offenses but were subsequently convicted of violations.

Prior to the decision in *Barker v. Young*, these individuals had no meaningful recourse to seek expungement of their arrest records - even when their cases ultimately resulted only in violations. Without the ability to obtain an expungement and remove these records from the publicly accessible eCourt Kōkua system, many individuals faced significant barriers to housing and employment, as

potential landlords and employers often view any court record, even for minor violations, as a red flag.

The OPD has seen firsthand the importance of the *Barker v. Young* holding through our community outreach efforts. In 2023, the OPD partnered with several community organizations to host an Expungement Clinic in Kahuku serving individuals who had been arrested during various environmental and cultural protests. These included protests at Kalaeloa and Kahuku related to the transportation and installation of 568-foot wind turbines, at Sherwoods in Waimānalo concerning the City's proposal to construct athletic fields, and on Mauna Kea related to the proposed Thirty Meter Telescope.

Many of the individuals arrested during these demonstrations were initially charged with misdemeanor offenses, but their cases ultimately resulted only in violations. Prior to the *Barker v. Young* decision, these individuals would not have been eligible to apply for expungement of their arrest records. Without that pathway, an arrest stemming from these cultural and environmental protests could continue to appear in publicly accessible records and create significant barriers to housing and employment opportunities.

For these reasons, the OPD strongly supports HB 2279 HD1.

Thank you for the opportunity to comment on this measure.



**TESTIMONY IN SUPPORT OF HOUSE BILL 2279 HD1  
RELATING TO EXPUNGEMENT ORDERS**

Ke Kōmike ‘Aha Kenekoa o ka Palekana Lehulehu, a me ke Kuleana Pū‘ali Koa  
(Senate Committee on Public Safety and Military Affairs)

Ke Kapitala ‘o Hawai‘i  
(Hawai‘i State Capitol)

Malaki 16, 2026

3:02 PM

Lumi 016

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Aloha e Chair Fukunaga, Vice Chair Lee, a me Members of Ke Kōmike ‘Aha Kenekoa o ka Palekana Lehulehu, a me ke Kuleana Pū‘ali Koa:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB2279 HD1** which implements the Hawai‘i Supreme Court’s decision in *Barker v. Young*, 153 Hawai‘i 144 (2023) by clarifying individuals arrested for or charged with a crime but ultimately convicted only of a violation are eligible to have their arrest record expunged.

OHA has heard directly from community members about the lasting barriers created by arrest records, even in cases where no criminal conviction occurred. These barriers can limit access to employment, housing, education, and economic stability, and can persist long after an individual has resolved their case. In addition to reflecting the ruling of the Hawai‘i Supreme Court, this measure advances the core goals of Clean Slate policies enacted in thirteen other states.

Expungement is a critical tool that supports successful reintegration and long-term stability. Removing arrest records in appropriate cases helps ensure that individuals are not permanently burdened by justice system contact that did not result in a criminal conviction. For Native Hawaiians, who are disproportionately represented throughout Hawai‘i’s criminal legal system, access to fair and effective expungement processes is particularly important. Record clearance supports pathways to employment, housing, and self-sufficiency, which are essential to individual well-being and the broader health of ‘ohana and communities.

This bill represents an important step in aligning Hawai‘i’s statutory framework with judicial precedent while advancing the broader goals of fairness, consistency, and opportunity reflected in the State’s Clean Slate efforts. For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS HB2279 HD1**.

Mahalo nui for the opportunity to provide testimony on this important measure.

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: [\(808\) 927-1214](tel:(808)927-1214) / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)

*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

Monday, March 16, 2026

3:00 PM

Room 016 and VIDEOCONFERENCE

## **STRONG SUPPORT for HB 2279 HD1 - EXPUNGEMENT OF VIOLATIONS**

Aloha Chair Fukunaga, Vice Chair Lee and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost three decades. This testimony is respectfully offered on behalf of the 3,646 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on March 2, 2026. We are always mindful that 797 of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to express our **SUPPORT for HB 2279** that amends section 831-3.2, HRS, to reflect that a person who is arrested for or charged with a crime but convicted of a violation is eligible for an expungement of their arrest record for that incident.

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<sup>1</sup> DCR Weekly Population Report, March 2, 2026

[Pop-Reports-Weekly-2026-03-02.pdf](#)

As the bill states on page 1, lines 15-17: *“The expungement of that record is an appropriate action when the arrest led to a conviction for a “violation,” which is not considered a “crime.”*

Yet despite the fact that the arrest led to a conviction of a violation, this remains on the individual’s record thereby creating a barrier to reentry.

We humbly ask the committee to pass HB 2279 HD1, a common sense measure.

Mahalo for this opportunity to testify in strong support of HB 2279 HD1 .



Committee: Public Safety and Military Affairs  
Hearing Date/Time: Monday, March 16, 2026, at 3:02 PM  
Place: Conference Room 016 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2279  
HD1 Relating to Expungement Orders**

Dear Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

The ACLU of Hawai'i **supports HB2279 HD1**, which amends the expungement orders law to reflect that a person who is arrested for or charged with a crime but convicted of a violation is eligible for an expungement of their arrest record for the incident.

Though we understand that the Hawai'i County expungement pilot project is ongoing, **we request that the bill be amended to include state-initiated expungement for the arrest records referenced.**

The ACLU of Hawai'i believes in a society where all people, including those who have been arrested and/or convicted of a crime, and have paid their debt under the law, get an equal opportunity to contribute to society and build successful and fulfilling lives. Further, we fully supported the passage of ACT 159, SLH 2023.

Research confirms that criminal records create barriers and, in some cases, block access to jobs, housing, education, participating in public programs and services, insurance, or participating fully in social and civil community life. These barriers have a ripple effect on families and their local communities and economies, disparately impacting people living in poverty, as well as Native Hawaiians and Pacific Islanders in Hawai'i.

### ***Proliferation of Background Checks and the Collateral Consequences of Records***

As the use of background checks has grown, so has the number of laws and restrictions limiting access to jobs, occupational licensing, credit, housing, education, and other basics. In Hawai'i, people with records potentially face nearly 1,500 such restrictions.<sup>1</sup>

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<sup>1</sup> National Inventory of Collateral Consequences of Conviction. Hawai'i jurisdiction search, including federal consequences. <https://niccc.nationalreentryresourcecenter.org/consequences>

In the digital era, with nearly 9 in 10 employers, 4 in 5 landlords, and 3 in 5 colleges<sup>2</sup> now using background checks, any record—no matter how old or minor—can put employment, housing, education, and other basics permanently out of reach.

In Hawai‘i, approximately 432,000 people have at least one record eligible for expungement.<sup>3</sup> That is nearly 1 in 3 people who are saddled with records that could block their access to jobs, housing, education, starting a business, or participating fully in social and civic community life.

ACLU of Hawai‘i supports the enactment of “Clean Slate” laws to expand access to second chances through legislation that will expand expungement eligibility and help people with eligible records access expungement. **HB2279 HD1 could do just that.**

### ***Clean Slate is Good for Our Economy***

Given the severe staffing shortages in Hawai‘i, it makes sense to reduce systemic barriers that prevent people from finding gainful employment or being promoted. Yet, over the years, the ACLU of Hawai‘i has heard the real-life stories of community members who have faced the collateral consequences of past arrest and court records, particularly when it comes to finding jobs.

Clean Slate laws have been proven to help people move on with their lives and get back to work. Research from the University of Michigan finds that people are 11 percent more likely to be employed and earn 22 percent higher wages one year after a record has been cleared.<sup>4</sup>

### ***Amend the Bill to Include State-Initiated Expungement of Records***

The current process to seal or remove arrest and case related information from expungement orders is time-consuming, costly, and complicated. It also relies on an outdated paper system, rather than pivoting to an automated technology system.

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<sup>2</sup> Center for American Progress. *News You Can Use: Research Roundup for Re-Entry Advocates*, April 5, 2018. <https://www.americanprogress.org/article/news-can-use-research-roundup-re-entry-advocates/>

<sup>3</sup> Civil Beat. *A Third of Hawai‘i Could Get Criminal Records Cleared. Few Do*, January 13, 2026. <https://www.civilbeat.org/2026/01/a-third-of-hawaii-could-get-criminal-records-cleared-few-do/>

<sup>4</sup> Federal Sentencing Reporter. *Michigan Set-Asides Found to Increase Wages and Reduce Recidivism*, April, 1, 2018. <https://online.ucpress.edu/fsr/article-abstract/30/4-5/361/96141/Michigan-Set-Asides-Found-to-Increase-Wages-and?redirectedFrom=fulltext>

Thousands of people in Hawai‘i are eligible to have their records cleared through sealing or expungement. However, the majority who are eligible for expungement never get that relief because they can’t afford a lawyer, pay the court fees, or figure out how to navigate the court petition process. Many are not even aware that expungement is an option for arrests. ***In short, eligibility for expungement doesn't always mean access to expungement.***

For these reasons, the ACLU of Hawai‘i supports HB2279 HD1 and we encourage the committee to advance the measure, with our suggested amendments.

Sincerely,

*Josh Frost*

Josh Frost  
Policy Advocate  
ACLU of Hawai‘i  
[jfrost@acluhawaii.org](mailto:jfrost@acluhawaii.org)

*With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai‘i is to protect the fundamental freedoms enshrined in the United States and Hawai‘i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving our communities in Hawai‘i for over 60 years.*

American Civil Liberties Union of Hawai‘i  
P.O. Box 3410  
Honolulu, Hawai‘i 96801  
T: 808.522.5900  
F: 808.522.5909  
E: [office@aclu](mailto:office@aclu)

**HB-2279-HD-1**

Submitted on: 3/13/2026 12:17:55 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Fukunaga, Vice Chair Lee, and Members of the Committee,

My name is Carolyn Eaton. I am a resident of Honolulu and I strongly support this measure. Further, I find myself in agreement with testimony from the ACLU and the Drug Policy Forum of Hawai'i in favoring an amendment to make expungement State-initiated for individuals whose records are the target of this measure. Background checks by employers catch the records of criminal arrest when screening applicants, despite an individual's ultimate conviction on a violation. Individuals in this category are trying to get work, our economy is short of workers. Please amend to allow the hundreds of thousands of individuals caught in this snare a smoother path to join our work force by authorizing State-initiation of expungement.

Mahalo for this opportunity to bring my views before you.

**HB-2279-HD-1**

Submitted on: 3/14/2026 5:13:29 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Ethan Chang	Individual	Support	Written Testimony Only

Comments:

Committee on Public Safety and Military Affairs

Senator Carol Fukunaga, Chair

Chris Lee, Vice Chair

Saturday, March 14, 2026

Re: Support for HB2279 HD1 - Relating to Expungement Orders

Aloha Chair Fukunaga, Vice Chair Lee and Members of the Committee:

Mahalo for the opportunity to submit testimony in strong support of **HB2279 HD1**.

This bill makes a simple and important clarification: a person who is arrested or charged but ultimately convicted only of a violation is eligible to have the arrest record from that incident expunged. Under Hawai'i law, a violation is not a crime, yet an arrest record can still carry lasting consequences for employment, housing, and other opportunities.

Allowing expungement in these cases aligns the law with the fact that the final outcome was not a criminal conviction. Expungement is an appropriate remedy that helps ensure people are not burdened by a criminal arrest record when they were not convicted of a crime.

Mahalo for your consideration. I respectfully urge the committee to pass **HB2279 HD1**.

Aloha,

Ethan Chang

O'ahu

To: Senator Carol Fukunaga, Chair  
Senator Chris Lee, Vice Chair  
Committee on Public Safety and Military Affairs

From: Veronica Moore, Individual Citizen

Date: March 15, 2026

RE: House Bill 2279 HD1  
Measure Title: RELATING TO EXPUNGEMENT ORDERS.  
Report Title: Expungement Orders; Violations

To All Concerned,

My name is Veronica Moore and I support House Bill 2279 HD1. Thank you for your consideration.

Sincerely,

Veronica M. Moore

**HB-2279-HD-1**

Submitted on: 3/15/2026 10:37:51 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Colleen Rost-Banik	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee and members of the Committee on Public Safety and Military Affairs,

My name is Colleen Rost-Banik. I am a Sociology Instructor at University of Hawaii, Manoa and a resident of Waikiki. I also have been teaching courses at the Women's Community Correctional Center for the past 8 years. **I write in strong support of HB2279** which allows for expungement of a record if a person was initially arrested for a crime or charged with a felony, misdemeanor, or petty misdemeanor but was later convicted of a violation for that incident. Given the way that criminal records negatively impact people's opportunity for jobs and housing, expungement of a criminal record is vitally important for basic living. Expunging arrest and criminal charge records when there has only been a violation is the right thing to do.

Please support HB2279, which supports community well-being.

Mahalo for your consideration.

Colleen Rost-Banik, PhD

Resident of Honolulu, Oahu



Carrie Ann Shirota, Esq.  
P. O. Box 22967  
Honolulu, HI 96823

Committee on Public Safety & Military Affairs  
Chair Carol Fukunaga  
Vice Chair Chris Lee  
March 16, 2026 at 3:02PM  
Conference Room 016

**Re: SUPPORT for H.B. 2279 H.D. 1 Relating to Expungement Orders**

Aloha Chair Fukunaga, Vice Chair Lee and Members of the Committee:

I am writing in support of **H.B. 2279 H.D. 1 Relating to Expungement Orders**, which amends the law to reflect that a person who is arrested for or charged with a crime, but convicted of a non-criminal violation, is eligible for an expungement of their arrest record for that incident.

Specifically, this proposed law would align the Hawai'i Revised Statutes (HRS) § 831-3.2, 831-3.2, relating to Expungement Orders, with the Hawai'i Supreme Court's just ruling in *Barker v. Young*, 153 Hawai'i 144 (2023). Under the Court's ruling, a person who is arrested for or charged with a higher-level criminal offense, but convicted only of a violation, is eligible for expungement of that person's court record.

This sensible legislation is vital, as it recognizes the harmful, lasting impacts of past arrest and conviction records. These records create significant barriers to jobs, housing and other life opportunities, long after a person has served their debt to society.<sup>1</sup>

While this bill commendably expands the eligibility of offenses for expungement orders to include violations originally charged as criminal offenses, it does not address the inefficient, paper petition based expungement process that we currently have in place. Furthermore, it does not fully solve the reality that the majority of eligible people in Hawai'i do not receive this essential record relief, often because they lack the necessary legal assistance to navigate the expungement process or the funds to pay associated fees.

I applaud this Legislature for advancing this bill, while also recognizing that the most effective, systemic means to address these barriers is to pass a comprehensive Clean Slate law in Hawai'i. As mandated by [Act 241](#), the Clean Slate Expungement Task Force

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<sup>1</sup><https://www.cleanslateinitiative.org/research-data-publications/yougov-survey-research-brief-improvements>

will develop recommendations for a state-initiated record clearing program. This Task Force is receiving technical assistance support from The Clean Slate Initiative<sup>2</sup> and Code for America,<sup>3</sup> who have expertise in crafting and implementing Clean Slate systems in other jurisdictions, as well as from CLEAR.<sup>4</sup> The Task Force is scheduled to submit its final report to the Hawai'i Legislature before the legislative session convenes in 2027.

In the interim, I respectfully request that you pass **H.B. 2279 H.D.1 Relating to Expungement Orders** to provide immediate record relief for people charged with criminal offenses and convicted of violations.

Mahalo,

Carrie Ann Shirota, Esq.

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<sup>2</sup> <https://www.cleanslateinitiative.org/>

<sup>3</sup> <https://codeforamerica.org/programs/criminal-justice/>

<sup>4</sup> SEARCH – System for the Electronic Analysis and Retrieval of Criminal Histories. <https://www.search.org/>

**HB-2279-HD-1**

Submitted on: 3/15/2026 2:57:32 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kristen Young	Individual	Support	Written Testimony Only

Comments:

This bill says that anyone arrested or charged but convicted of a violation is eligible for expungement of that incident. A violation is NOT a crime and should not be punished as such. Expungement is the proper thing to do. Any arrest record can impact a person's life unnecessarily. I support this bill because I believe in second chances.

**LATE**

Law Office of Georgette A. Yaindl, LLLC  
Georgette Anne Yaindl 8940  
P.O. Box 307  
Kailua-Kona Hawai'i 96745-0307  
(808) 224-0219 v/txt (877) 300-8869 fax  
gyaindl@gyattorney.com

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March 15, 2026

Senator Carol Fukunaga, Chair  
Senator Chris Lee, Vice Chair  
Committee on Public Safety and Military Affairs  
The Senate  
33<sup>rd</sup> Legislature, State of Hawai'i

via: <http://www.capitol.hawaii.gov>

Dear Committee leadership and members,

Re: **SUPPORT FOR HB2279, HD1  
RELATING TO EXPUNGEMENT ORDERS**

DATE: Monday, March 16, 2026  
TIME: 3:02 p.m.  
PLACE: Conference Room 016 & Videoconference  
State Capitol  
415 South Beretania Street

This bill codifies the holding in Barker v. Young, 153 Haw. 144 (2023) and properly as proposed is made effective upon approval. I write because the clean and unambiguous statute recognized by the Court statute provides not only that “[a] violation does not constitute a crime,” HRS 701-107, it goes on to provide, “*and conviction of a violation shall not give rise to any civil disability based on conviction of a criminal offense,*” *Id.* (emphases added). A record of arrest is an obvious and severe civil disability.

Thank you for your consideration of my testimony. Aloha.

/s/ Georgette A. Yaindl  
GEORGETTE ANNE YAINDL