



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

**TESTIMONY IN SUPPORT OF HOUSE BILL 2279 HD1 SD1**

RELATING TO EXPUNGEMENT ORDERS

Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo

(Senate Committee on Judiciary)

Ke Kapitala ‘o Hawai‘i

(Hawai‘i State Capitol)

‘Apelila 1, 2026

10:30 AM

Lumi 016

---

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB2279 HD1 SD1** which implements the Hawai‘i Supreme Court’s decision in *Barker v. Young*, 153 Hawai‘i 144 (2023) by clarifying that 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 SD1**.

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

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

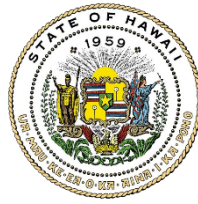
**APPELLATE DIVISION**  
TEL. No. (808) 586-2080

**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 30, 2026**

**HB 2279, HD1, SD1: RELATING TO EXPUNGEMENT ORDERS**

**Chair Rhoads, Vice-Chair Gabbard and Members of the Committee on Judiciary:**

The Office of the Public Defender (OPD) **strongly supports** HB 2279 HD1 SD1, 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 SD1 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 SD1.

Thank you for the opportunity to comment on this 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 JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Wednesday, April 1, 2026

10:30 AM

Room 016 and VIDEOCONFERENCE

## **STRONG SUPPORT for HB 2279 HD1, SD1 - EXPUNGEMENT OF VIOLATIONS**

Aloha Chair Rhoads, Vice Chair Gabbard 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 3,626 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on March 23, 2026. We are always mindful that 795 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 HD1, SD1** 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.

---

<sup>1</sup> DCR Weekly Population Report, March 23, 2026  
[Pop-Reports-Weekly-2026-03-23.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 respectfully ask the committee to pass HB 2279 HD1, SD1 a common sense measure.

Mahalo for this opportunity to testify in strong support of HB 2279 HD1 SD1 .



Committee: Judiciary  
Hearing Date/Time: Wednesday, April 1, 2026, at 10:30am  
Place: Conference Room 016 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2279  
HD1 SD1 Relating to Expungement Orders**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The ACLU of Hawai'i **supports HB2279 HD1 SD1**, 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>

---

<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 SD1 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***

---

<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>

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.

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 SD1 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)



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

Committee on Judiciary  
Chair Karl Rhoads  
Vice Chair Mike Gabbard  
Wed., April 1, 2026 at 10:30AM  
Conference Room 016 & Videoconference

**Support: HB2279, HD1, SD1: Relating to Expungement Orders**

Dear Chair Rhoads, Vice Chair Gabbard and Committee Members:

I am writing in support of **H.B. 2279 H.D. 1 S.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

---

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

Slate law in Hawai'i. As mandated by [Act 241](#), the Clean Slate Expungement Task Force 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.

---

<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/>