



OFFICE OF HAWAIIAN AFFAIRS

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

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i  
(House Committee on Judiciary & Hawaiian Affairs)  
Ke Kapitala ‘o Hawai‘i  
(Hawai‘i State Capitol)

Pepeluali 19, 2026

2:00 PM

Lumi 325

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Aloha e Chair Tarnas, Vice Chair Poepoe, a me Members of Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB2279** 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.

HB2279 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**.

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

**February 18, 2026**

**HB 2279: RELATING TO EXPUNGEMENT ORDERS**

**Chair Tarnas, Vice-Chair Poepoe and Members of the Committee on  
Judiciary & Hawaiian Affairs**

The Office of the Public Defender (OPD) **strongly supports HB 2279** 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 codifies law that has already helped people who have minor infractions that prevented them from attaining opportunities that will enable them to be greater contributors to our communities.

Since 2021, the OPD, in collaboration with the Judiciary and various community organizations have been organizing 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 *Barker v. Young* opinion, these individuals did not have any recourse for getting their arrest records expunged – even if their cases resulted in violations. Without the benefit of an expungement (and ultimately having their court records removed from the publicly accessible eCourt Koa), many of these individuals faced significant barriers where potential landlords and employers see these records, even if they are violations, as red flags.

The OPD saw first-hand the importance of the *Barker v. Young* holding during one of our clinics. In 2023, the OPD and other community organizations held an Expungement Clinic in Kahuku that specifically served community members who protested at Kalaeloa and Kahuku (environmental and safety protests against the transportation and installation of 568-foot wind turbines), Sherwood's at Waimānalo (environmental and cultural protests against the city's plan to build athletic fields), and Mauna Kea (environmental and cultural protests against the Thirty Meter Telescope). Many of the protesters who were arrested were initially charged with misdemeanor offenses, but their cases ultimately resulted in convictions for violations. But for the holding in *Barker v. Young*, they would not have been eligible to apply for expungement of their arrest records. But for the holding in *Barker v. Young*, an arrest for exercising one's First Amendment right to protest would have served as a significant barrier to housing and employment opportunities.

The OPD strongly supports HB 2279.

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 PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

Wednesday, February 4, 2026

3:02 PM

Room 016 and VIDEOCONFERENCE

## **STRONG SUPPORT FOR SB 2279 - AMENDING REPEAT OFFENDER SENTENCING**

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 3,667 Hawai`i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on February 2, 2026. We are always mindful that 799 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 the opportunity to share our **strong support for SB 2279** that amends repeat offender sentencing

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<sup>1</sup> DCR Weekly Population Report, January 26, 2026  
[Pop-Reports-Weekly-2026-01-26.pdf](#)

provisions to allow sentencing courts, under certain circumstances, to sentence defendants in class C felony cases to probation with appropriate terms and conditions.

We support this amendment that allows the court discretion in sentencing certain Class C felonies where the defendant would benefit from probation with appropriate terms and conditions, poses no serious threat to public safety, and a mandatory minimum term would pose a hardship on the defendant and/or those dependent upon the defendant.

We hope the committee supports SB 2279 and allows the court the discretion to amend the mandatory sentencing for certain Class C felonies.

Mahalo for this opportunity to share our support for this measure!



Committee: Judiciary & Hawaiian Affairs  
Hearing Date/Time: Thursday, February 19, 2025 at 2:00pm  
Place: Conference Room 325 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2279  
Relating to Expungement Orders**

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The ACLU of Hawai'i **supports HB2279**, which amends the Hawai'i Revised Statutes to reflect that someone 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. Hawaii 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 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 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)



*Dedicated to safe, responsible, humane, and effective drug policies since 1993*

## TESTIMONY IN SUPPORT OF HB 2279

TO: Chair Tarnas, Vice Chair Poepoe, and JHA Committee

FROM: Nikos Leverenz, DPFH Board President

DATE: February 19, 2026 (2:00 P.M.)

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Drug Policy Forum of Hawai'i (DPFH) **supports** HB 2279, which amends HRS section 831-3.2 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.

This bill codifies the clarification by the Hawai'i Supreme Court in *Barker v. Young*, 153 Hawai'i 144 (2023), that a person charged with a felony, misdemeanor, or petty misdemeanor who is later convicted of a violation is eligible for an expungement of their arrest record.

DPFH is hopeful that this bill can be amended to provide that state initiates the expungement process in these cases. As noted by the National Conference of State Legislatures, even arrest records have [collateral consequences that limit opportunities for access to employment, housing, professional licensure, and education](#).

Since 1993 DPFH has advanced public discussions and policy changes around Hawai'i's drug policies, which continue to advance severe criminal penalties and extended periods of criminal legal supervision. DPFH also supports policy changes around substance use and behavioral health issues that are anchored in harm reduction, public health, and human rights. These changes include broader access to community-based behavioral health treatment; the repeal of cannabis prohibition in favor of rational regulation; reducing the severity of sentencing laws, prosecutorial practices, penological practices, and criminal legal supervision; and advancing other changes to laws and policies to reduce the impact of the criminal legal system on individuals and families from under-resourced communities.

Mahalo for the opportunity to provide testimony.

To: Representative David A. Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair  
Committee on Judiciary & Hawaiian Affairs

From: Veronica Moore, Individual Citizen

Date: February 18, 2026

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

To All Concerned,

My name is Veronica Moore and I support House Bill 2279. Thank you for introducing this bill.

Sincerely,

Veronica M. Moore

**HB-2279**

Submitted on: 2/19/2026 11:55:10 AM

Testimony for JHA on 2/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Ann Shirota	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe and Committee Members,  
I support **HB2279 Relating to Expungement Orders** as it amends HRS 831-3.2 to reflect the Hawaii 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 of a violation is eligible of that person's arrest record.

This sensible legislation recognizes the harmful impacts of past arrest and court records, which creates barriers to jobs, housing and other life opportunities, years after a person has served their debt to society.

This bill moves us one step closer towards expanding eligibilty for expungement. However, we must keep our eyes on the "best practices" prize, and ultimately pass a comprehensive Clean Slate law in Hawai'i.

I respectfully request that you pass H.B. 2279.

Mahalo,  
Carrie Ann Shirota, Esq.

Honolulu, Hawaii