

## ACT 116

H.B. NO. 2151-76

A Bill for an Act Relating to the Expungement of Arrest Records.

*Be It Enacted by the Legislature of the State of Hawaii.*

SECTION 1. Section 731-3.2,† Hawaii Revised Statutes, is amended by amending subsection (a) to read:

“(a) The attorney general, or his duly authorized representative within the department of the attorney general, upon written application from a person arrested for, or charged with, but not convicted of, a crime, shall issue an expungement order annulling, canceling, and rescinding the record of arrest; provided that an expungement order shall not issue (1) in the case of an arrest for a felony or misdemeanor where conviction has not been obtained because of bail forfeiture, (2) for a period of five years after arrest or citation in the case of a petty misdemeanor or violation where conviction has not been obtained because of a bail forfeiture; and (3) in the case of an arrest of any person for any offense where conviction has not been obtained because he has rendered prosecution impossible by absenting himself from the jurisdiction.

Any person entitled to an expungement order hereunder may by written application also request return of all fingerprints or photographs taken in connection with his arrest. The attorney general or his duly authorized representative within the department of the attorney general, within 60 days after receipt of such written application, shall, when so requested, deliver, or cause to be delivered, all such fingerprints or photographs of such person, unless such person has a prior record of conviction or is a fugitive from justice, in which case the photographs or fingerprints may be retained by the agencies holding such records.”

SECTION 2. Section 731-3.2,† Hawaii Revised Statutes, is further amended by amending subsection (c) to read:

“(c) Upon the issuance of the expungement order, all records pertaining to

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† Renumbered by Revisor as 831-3.2.

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the arrest which are in the custody or control of any law enforcement agency of the State or any county government, and which are capable of being forwarded to the attorney general without affecting other records not pertaining to the arrest, shall be so forwarded for placement of the records in a confidential file or, if the records are on magnetic tape or in a computer memory bank, shall be erased.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 17, 1976.)

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\*Edited accordingly.