

Honolulu, Hawaii

APR - 3 2006

RE: H.B. No. 2780  
H.D. 1  
S.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which  
was referred H.B. No. 2780, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED  
DEFENDANTS,"

begs leave to report as follows:

The purpose of this measure is to allow a person sentenced  
prior to July 1, 2004, for a first time drug offense pursuant to  
section 706-622.5, Hawaii Revised Statutes, who has completed a  
drug treatment program and complied with the terms set by the  
court, to apply for expungement of the record of conviction.

Your Committee received testimony in support of this measure  
from the Office of the Public Defender, the Community Alliance on  
Prisons, and one individual. The Department of the Prosecuting  
Attorney for the City and County of Honolulu submitted comments on  
this measure.

Your Committee finds that this measure is intended to correct  
a drafting error in Act 161, Session Laws of Hawaii 2002, which  
authorized an expungement of the record of arrest rather than an  
expungement of the record of conviction. This error was corrected  
by Act 44, Session Laws of Hawaii 2004, which authorized the  
expungement of the record of conviction but did so only  
prospectively from its effective date of July 1, 2004. This led  
to the inconsistent result of some defendants being permitted to  
expunge their record of conviction and others not being able to do

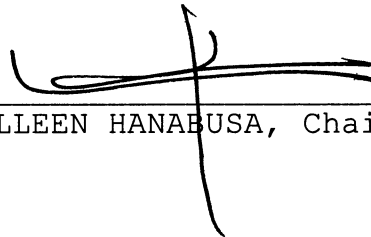


so. This measure is intended to permit those defendants sentenced prior to Act 44 to expunge their record of conviction.

Your Committee has amended this measure to make technical, nonsubstantive changes for clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2780, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2780, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Hawaiian Affairs,



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COLLEEN HANABUSA, Chair



