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# A BILL FOR AN ACT

RELATING TO CRIMINAL PROCEDURE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 831, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§831-           Expungement orders; criminal convictions. (a)

5 The circuit court, upon written application from a person  
6 convicted of a crime, shall issue a court order to expunge the  
7 record of conviction for that offense; provided that:

8           (1) The conviction the person seeks to have expunged must  
9           have occurred no less than five years prior to the  
10           date of application;

11           (2) The court shall not issue an expungement order if  
12           within the five years prior to the date of  
13           application, excluding any period of incarceration,  
14           the person has been convicted of any crime; and

15           (3) The court shall not issue an expungement order for a  
16           conviction of:

17           (A) A felony offense under section 707-701 relating  
18           to murder in the first degree, section 707-701.5



1 relating to murder in the second degree, section  
2 707-702 relating to manslaughter, section 707-  
3 702.5 relating to negligent homicide in the first  
4 degree, section 707-703 relating to negligent  
5 homicide in the second degree, section 707-710  
6 relating to assault in the first degree, section  
7 707-711 relating to assault in the second degree,  
8 section 707-712.7 relating to assault against an  
9 emergency worker, section 707-713 relating to  
10 reckless endangering in the first degree, section  
11 707-716 relating to terroristic threatening in  
12 the first degree, section 707-720 relating to  
13 kidnapping, section 707-721 relating to unlawful  
14 imprisonment in the first degree, section 707-730  
15 relating to sexual assault in the first degree,  
16 section 707-731 relating to sexual assault in the  
17 second degree, section 707-732 relating to sexual  
18 assault in the third degree, section 707-752  
19 relating to promoting child abuse in the third  
20 degree, section 708-810 relating to burglary in  
21 the first degree, section 708-820 relating to  
22 criminal property damage in the first degree,



1           section 708-841 relating to robbery in the second  
2           degree, section 708-8251 relating to arson in the  
3           first degree, section 708-8252 relating to arson  
4           in the second degree, section 710-1031 relating  
5           to intimidating a correctional worker, section  
6           710-1071 relating to intimidating a witness,  
7           section 710-1074 relating to intimidating a  
8           juror, or section 711-1103 relating to riot; or

9           (B) A misdemeanor offense under chapter 707.

10          (b) The effect of an expungement order shall be to restore  
11 the person, in the contemplation of the law, to the status the  
12 person occupied before such conviction occurred.

13          (c) No person as to whom an expungement order has been  
14 entered shall be held thereafter under any provision of any law  
15 to be guilty of perjury or otherwise giving a false statement by  
16 reason of the person's failure to recite or acknowledge such  
17 conviction in response to any inquiry made of the person for any  
18 purpose."

19          SECTION 2. Section 831-3.2, Hawaii Revised Statutes, is  
20 amended by amending its title to read as follows:

21          "**§831-3.2 Expungement orders[-]; arrest records.**"



H.B. NO. 1756

1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Calvin H. Boy  
**BY REQUEST**

JAN 28 2009



**Report Title:**

Criminal Procedure; Expungement

**Description:**

Allows for expungement of convictions for non-violent offenses that are over 5 years old.

