



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2018**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2742, S.D. 1, RELATING TO CRIMINAL HISTORY RECORD INFORMATION.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Wednesday, March 14, 2018      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Russell A. Suzuki, Acting Attorney General, or  
Christopher D.W. Young, Hawaii Criminal Justice Data Center  
Administrator

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Chair Nishimoto and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose of this bill is to address inconsistencies with the criminal charge dispositions relating to defendants with diminished mental capacities by treating involuntary hospitalizations pursuant to 706-607, Hawaii Revised Statutes (HRS), and acquittals, and dismissals, by reasons of physical or mental disease pursuant to chapter 704, HRS, the same in regard to the public dissemination and prevention of expungement of such criminal arrest cases.

Currently, section 846-9, HRS, allows for cases in which the defendant is acquitted, or charges are dismissed, by reason of physical or mental disease, disorder or defect under chapter 704, HRS, to be publicly disseminated. The dissemination of cases resulting in involuntary hospitalizations under section 706-607, HRS, however, is limited to the agencies and individuals listed in section 846-9, HRS. Allowing charges resulting in involuntary hospitalizations pursuant to section 706-607, HRS, to be disseminated to the public will allow those who rely on criminal history record checks to be aware of these cases and to be able to make informed decisions.

Similarly, section 831-3.2, HRS prohibits the expungement of charges when a person was acquitted by reason of mental or physical defect under chapter 704, HRS, but is silent regarding the expungement of charges dismissed by reason of mental or

physical defect under chapter 704, HRS, and involuntary commitments under section 706-607, HRS. Should these charges be expunged, they would not be available to law enforcement and other entities conducting criminal history record checks for purposes of protecting public safety and of making fitness determinations for employment, licensure and permits, including permits to acquire firearms.

We respectfully ask the Committee to pass this bill. Thank you for the opportunity to testify.

**LATE**

HAWAII EDUCATIONAL ASSOCIATION  
FOR LICENSED THERAPEUTIC HEALTHCARE

To: Senator Rosalyn Baker, Chair Consumer Protection and Health (CPH)  
Senator Jill Tokuda, Vice-Chair CPH  
Members of the CPH Committee

Fr: Blake Oshiro, Esq. on behalf of the HEALTH Assn.

Re: **REVISED Testimony In Support on House Bills (HB) 2742, HD1**  
RELATING TO MEDICAL CANNABIS - Establishes the Office of Medical Cannabis Control and Regulation in the Department of Health to administer cannabis patient registration and dispensary licensing and regulation. Extends civil service exemptions. Extends interim rulemaking authority. Appropriates moneys.

Dear Chair Baker, Vice-Chair Tokuda, and Members of the Committee:

HEALTH is the trade association made up of the eight (8) licensed medical cannabis dispensaries under Haw. Rev. Stat. (HRS) Chapter 329D. We **support HB2742, HD1** as this bill purports to potentially improve administration and oversight by the Department of Health (DOH).

The medical cannabis dispensary industry is still in its initial fledgling stages of development. While we appreciate all of the diligence and hard work by the DOH thus far, we do believe that there are ways in which improvements to the administration of the program could be improved, and we see the approach in the bill as a possible way in which to achieve these improvements.

Thank you for your consideration.