



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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 20, 2018 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

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

Chair Taniguchi 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.