

STAND. COM. REP. NO.

253

Honolulu, Hawaii

**FEB 16 2021**

RE: S.B. No. 391  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 391 entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT,"

begs leave to report as follows:

The purpose and intent of this bill is to establish best practices to assist people with histories of homelessness and barriers to employment to enter or re-enter the work force or obtain housing by adopting a plan to expunge the records of a person for certain non-violent criminal offenses, if they are substantially related to the person's homeless status.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness, Office of the Public Defender, Office of Hawaiian Affairs, Office of the Prosecuting Attorney of the County of Kauai, Neighborhood Place of Puna, Hawaii Appleseed Center for Law & Economic Justice, Hawai'i Health and Harm Reduction Center, Hawai'i Friends of Justice and Civic Education, ACLU of Hawai'i, Association of Hawaiian Civic Clubs, and thirty-seven individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Retail Merchants of Hawaii, and one individual. Your Committee received comments on this measure from the Judiciary and Department of Public Safety.



Your Committee finds that this measure will fulfill a 2021 legislative priority by adopting a plan to expunge the records of a person for certain non-violent criminal offenses if they are substantially related to the person's homeless status. In many cases, an individual's criminal history includes multiple convictions for non-violent offenses, such as park closure, violation of sit-lie ordinances, or sidewalk obstruction. Your Committee also finds that a history of criminal convictions can be a barrier for homeless individuals seeking employment. To address this problem, your Committee finds that this measure establishes a clear process to address the expungement of these offenses for homeless individuals, when those offenses are substantially related to the person's homeless status. By doing so, this measure will remove a barrier for houseless individuals who are trying to enter the workforce or find suitable housing, as they try to regain their independent living status. Finally, your Committee finds that this measure will assist these individuals to lift themselves up and out of a legal quagmire that holds them back but provides no tangible benefit to the State.

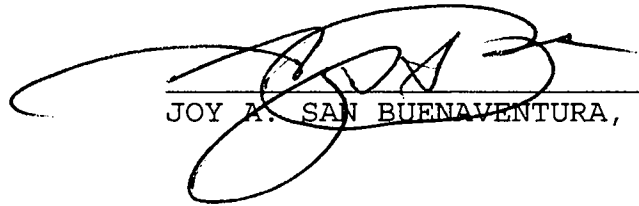
Accordingly, to further clarify which offenses are included by this plan, your Committee has amended this measure by limiting expungement to misdemeanor offenses no higher than those described under sections 708-814.7 and 711-1105, Hawaii Revised Statutes, and any offense no higher than a misdemeanor not involving bodily harm or the threat of bodily harm, if the offense is substantially related to the person's homeless status.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.B. No. 391, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 391, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,




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JOY A. SAN BUENAVENTURA, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

Record of Votes  
Committee on Human Services  
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
<b>SB 391</b>	<b>HMS, JDC</b>	<b>02/04/2021</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes