



GOV. MSG. NO. 1364

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 7, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith SB1079, without my approval and with the statement of objections relating to the measure.

SB1079

RELATING TO EXPUNGEMENT.

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 7, 2023

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1079

Honorable Members  
Thirty-Second Legislature  
State of Hawai'i

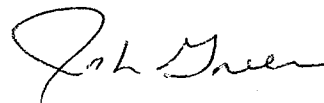
Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, Senate Bill No. 1079, entitled "A Bill for an Act Relating to Expungement."

The purpose of this bill is to allow first-time offenders who were sentenced for operating a vehicle after consuming a measurable amount of alcohol for persons under the age of twenty-one years, pursuant to 291E-64, Hawaii Revised Statutes (HRS), and first-time property offenders sentenced pursuant to section 706-622.9, HRS, to apply to have these convictions expunged from their records, if the offenders were sentenced before July 1, 1998.

This bill is objectionable because the purpose of this bill cannot be accomplished. Sections 291E-64 and 706-622.9, HRS, were not enacted until June 8, 2000, by Act 189, Session Laws of Hawaii 2008, and until June 22, 2006, by Act 230, Session Laws of Hawaii 2006, respectively. Consequently, no person was sentenced pursuant to these statutes before July 1, 1998, and no person can qualify for expungement of conviction records under this bill.

For the foregoing reason, I am returning Senate Bill No. 1079 without my approval.

Respectfully,



JOSH GREEN, M.D.  
Governor of Hawai'i

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A BILL FOR AN ACT

RELATING TO EXPUNGEMENT.

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

1           SECTION 1. Chapter 291E, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§291E-     First-time offender of operating a vehicle after  
5 consuming a measurable amount of alcohol for persons under the  
6 age of twenty-one years before 1998; expungement. A person  
7 sentenced before July 1, 1998, for a first-time offense of  
8 operating a vehicle after consuming a measurable amount of  
9 alcohol while under the age of twenty-one years, pursuant to  
10 section 291E-64, and who otherwise meets all the requirements of  
11 section 291E-64, may apply to the court for expungement of the  
12 record of conviction for the offense. The court shall issue a  
13 court order to expunge the record of conviction for the offense;  
14 provided that the person has fulfilled the terms of the sentence  
15 imposed by the court. A person granted an expungement of  
16 conviction under this section shall not be eligible for another  
17 expungement of conviction under this section or section 291E-  
18 64."



1 SECTION 2. Chapter 706, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§706- First-time property offender before 1998;  
5 probation; expungement. A person sentenced before July 1, 1998,  
6 for a first-time property offense, pursuant to section 706-  
7 622.9, and who otherwise meets all the requirements of section  
8 706-622.9, may apply to the court for expungement of the record  
9 of conviction for the property offense. The court shall issue a  
10 court order to expunge the record of conviction for the property  
11 offense; provided that the person has fulfilled the terms of the  
12 sentence imposed by the court. A person granted an expungement  
13 of conviction under this section shall not be eligible for  
14 another expungement of conviction under this section or section  
15 706-622.9."

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 2025.

APPROVED this                      day of                      , 2023

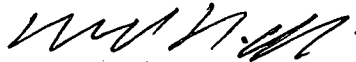
GOVERNOR OF THE STATE OF HAWAII



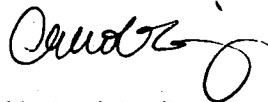
**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 2, 2023  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.



President of the Senate



Clerk of the Senate

SB No. 1079, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives