
A BILL FOR AN ACT

RELATING TO EXPUNGEMENT.

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

1 SECTION 1. The legislature finds that court records that
2 have been dismissed or expunged from a person's record may still
3 be accessed by prospective employers, landlords, lenders,
4 educational institutions, and others. Though dismissed or
5 expunged, these records can be regarded negatively and have a
6 significant and long-lasting impact on a person's future.

7 The legislature further finds that there is not a process
8 to request traffic citations that have been dismissed to not be
9 included on a person's record, such as a traffic abstract. For
10 a person who has received an expungement order, the current
11 process to have their records and other information pertaining
12 to the arrest or case sealed or removed from the Judiciary's
13 publicly accessible electronic database requires yet another
14 petition.

15 The purpose of this Act is to:

16 (1) Require the judiciary and the examiner of drivers to
17 no longer include dismissed traffic citations on a



1 person's record, including the traffic abstract and
2 the judiciary's publicly accessible electronic
3 databases; and

4 (2) Require the court to automatically seal or remove from
5 the judiciary's publicly accessible database any
6 information relevant to the arrest or case of a person
7 for whom an expungement order has been entered.

8 SECTION 2. Section 286-172, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§286-172 **Furnishing of information.** (a) Subject to
11 authorization granted by the chief justice with respect to the
12 traffic records of the violations bureaus of the district courts
13 and of the circuit courts, the director of transportation shall
14 furnish information contained in the statewide traffic records
15 system in response to:

16 (1) Any request from a state, a political subdivision of a
17 state, or a federal department or agency, or any other
18 authorized person pursuant to rules adopted by the
19 director of transportation under chapter 91;

20 (2) Any request from a person having a legitimate reason,
21 as determined by the director, as provided under the



1 rules adopted by the director under paragraph (1), to
2 obtain the information for verification of vehicle
3 ownership, traffic safety programs, or for research or
4 statistical reports;

5 (3) Any request from a person required or authorized by
6 law to give written notice by mail to owners of
7 vehicles; or

8 (4) Any request from the chief energy officer of the
9 Hawaii state energy office to track the number and
10 type of vehicles in use and the effectiveness of
11 efforts to increase the efficiency and diversify the
12 fuel needs of Hawaii's transportation sector[-];
13 provided that the information from any driver's record shall not
14 include any citation that has been dismissed.

15 (b) Any person requesting information contained in the
16 statewide traffic records system under subsection (a)(2) shall
17 file an affidavit with the director stating the reasons for
18 obtaining the information and making assurances that the
19 information will be used only for such reasons, that individual
20 identities will be properly protected, and that the information
21 will not be used to compile a list of individuals for the



1 purposes of any commercial solicitation by mail or otherwise, or
2 the collection of delinquent accounts or any other purpose not
3 allowed or provided for by the rules.

4 (c) The information provided to any person qualifying to
5 receive information under subsection (a)(2) shall be provided
6 for a fee and under such conditions as set by the director
7 pursuant to rules adopted by the director under chapter 91. The
8 director shall require the person receiving the information to
9 file with the director a corporate surety bond in favor of the
10 State in the penal sum of not more than \$70,000, conditioned
11 upon the full and faithful compliance of the person receiving
12 the information with the terms and conditions of the affidavit
13 and the conditions set by the director. Any person otherwise
14 qualified to receive information under subsection (a)(2) and who
15 complies with the provisions of this section may receive all the
16 information in the motor vehicle registration file if the person
17 either provides information to or performs recalls on behalf of
18 manufacturers of motor vehicles as authorized by the federal
19 government or as deemed necessary by a manufacturer in order to
20 protect the public health, safety, and welfare or to make a free
21 correction of a manufacturing deficiency.



1 (d) Any person receiving information pursuant to
2 subsection (a) (2) or (3) shall hold harmless the State and any
3 agency thereof from all claims for improper use or release of
4 such information.

5 (e) Information relating to traffic citations that have
6 been dismissed shall not be included in the judiciary's publicly
7 accessible electronic databases."

8 SECTION 3. Section 286-245, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) The state judiciary and the examiner of drivers shall
11 make available to the greatest extent possible information from
12 any driver's record required for enforcement of this section to
13 the users designated in subsection (f) or their authorized
14 agent, within ten days of:

15 (1) Receiving the conviction or disqualification
16 information from another state; or

17 (2) Receiving the conviction information for a violation
18 occurring in this State[-];

19 provided that the information from any driver's record shall not
20 include any traffic citation that has been dismissed."



1 SECTION 4. Section 287-3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The traffic and emergency period violations bureaus
4 of the district courts, upon request, shall furnish any person a
5 certified abstract of the bureaus' record, if any, of any person
6 relating to all alleged moving violations, except for any
7 traffic citations that have been dismissed, and any convictions
8 resulting therefrom, arising from the operation of a motor
9 vehicle and any administrative license revocation pursuant to
10 chapter 291E, part III and chapter 286, part XIV, as it was in
11 effect on or before December 31, 2001. The traffic and
12 emergency period violations bureaus may collect a fee, not to
13 exceed \$20, of which \$18 shall be deposited into the general
14 fund and \$2 shall be deposited into the judiciary computer
15 system special fund."

16 SECTION 5. Section 831-3.2, Hawaii Revised Statutes, is
17 amended by amending subsection (f) to read as follows:

18 "(f) [~~Any person for whom an expungement order has been~~
19 ~~entered may request in writing that the~~] The court shall seal or
20 otherwise remove from the judiciary's publicly accessible
21 electronic databases all judiciary files and other information



1 pertaining to the applicable arrest or case [~~from the~~
2 ~~judiciary's publicly accessible electronic databases.~~] of any
3 person for whom an expungement order has been entered. The
4 court shall make good faith diligent efforts to seal or
5 otherwise remove the applicable files and information within a
6 reasonable time."

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2024.



Report Title:

Expungement; Dismissed Traffic Citations; Driver's Record;
Public Record; Abstract Report; Background Check; Judiciary;
Examiner of Drivers

Description:

Requires the Judiciary and the Examiner of Drivers to no longer include dismissed traffic citations on a person's record, including the traffic abstract and the Judiciary's publicly accessible electronic databases. Requires the Court to automatically seal or remove from the Judiciary's publicly accessible database any information relevant to the arrest or case of a person for whom an expungement order has been entered. Takes effect 07/01/2024. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

