

STAND. COM. REP. NO. 835

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1079
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1079 entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to require courts to, upon written request, expunge records of convictions for:

- (1) Operating a vehicle after consuming a measurable amount of alcohol while under the age of twenty-one, if the sentencing occurred prior to 1998; and
- (2) Certain property offenses, if the sentencing occurred prior to 1998.

Your Committee received testimony in support of this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that, currently, any individual who has committed the offense of operating a vehicle after consuming a measurable amount of alcohol while under the age of twenty-one or committed certain property offenses, if the sentencing for either offense occurred prior to 1998, is now likely in a very different place in their life. While the offenses occurred a lifetime ago, these individuals are otherwise forced to continue to suffer the




harsh consequences of being saddled with a criminal record when engaging in common activities, such as finding employment or housing. Studies show that criminal convictions impact broader everyday issues such as educational opportunities, housing options, starting or expanding a family, public assistance, insurance premiums, volunteering in community work, and privacy. This measure will assist many in finding better employment and improving their overall quality of life.

Your Committee has amended this measure by:

- (1) Specifying that the criteria for expungement of certain offenses where the person be under the age of twenty-one at the time of the offense means twenty-one years;
- (2) Clarifying that the court shall issue a court order to expunge the record of conviction for certain offenses if the person has fulfilled the terms of the sentence imposed by the court; and
- (3) Inserting an effective date of March 22, 2075, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1079, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1079, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 1079	Committee Referral: JDC	Date: 2/16/23		
<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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
TOTAL	4	—	1	—
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