

STAND. COM. REP. NO.

1381

Honolulu, Hawaii

MAR 21 , 2023

RE: S.B. No. 410
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 410, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Judiciary and Examiners of Drivers to exclude dismissed traffic citations from a person's record, including the traffic abstract and the Judiciary's publicly accessible electronic database; and
- (2) Require the court to automatically seal or remove from the Judiciary's publicly accessible electronic database any information relevant to the arrest or case of a person for whom an expungement order has been entered.

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

Your Committee finds that under existing law, in order to have judiciary records and other information pertaining to an

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arrest or case sealed or removed from the Judiciary's publicly accessible electronic database, an individual, for whom an expungement order was already granted, is required to petition the court to remove the relevant matters from the database. This additional petition takes time and resources, further impeding an individual's ability to fully participate in society. This measure will streamline the process for persons granted expungements.

Your Committee has amended this measure by:

- (1) Clarifying that, for purposes of sealing or otherwise removing information from the Judiciary's publicly accessible electronic databases, the expungement order must list the court case number and be transmitted to the court;
- (2) Changing the effective date to July 1, 2025; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that the Judiciary estimated, in its written testimony submitted to your Committee, that the costs for updating the Judiciary's databases to accomplish the goals of this measure would be \$70,000. Your Committee respectfully requests that the Judiciary submit an appropriation request for this cost for the next Regular Session, as this measure is not referred to your Committee on Finance.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 410, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 410, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



MARK M. NAKASHIMA, Chair



