
A BILL FOR AN ACT

RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS.

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

1 SECTION 1. The legislature finds that approximately
2 seventy-seven million people living in the United States, or one
3 in three adults, have a criminal record. In some instances, the
4 person was arrested but ultimately not convicted of any crime.
5 The legislature recognizes that arrest and conviction records
6 often adversely affect a person's financial and housing security
7 by limiting the person's access to employment, housing, or a
8 professional license.

9 The legislature also finds that many states, including
10 Hawaii, have laws that allow persons who meet certain
11 eligibility criteria to petition or apply for the removal of a
12 criminal record. However, making the procedure automatic would
13 eliminate the need for an eligible person to navigate this
14 process and pay any required processing fees. According to
15 research compiled by the National Conference of State
16 Legislatures, twenty states have at least one statutory
17 automatic record-clearing provision as of July 2021. Michigan,



1 New Jersey, Pennsylvania, and Utah are examples of states having
2 laws that automate the record-clearing process; these laws are
3 sometimes known as "clean slate laws".

4 The purpose of this Act is to expand eligibility for, and
5 automate, the expungement of conviction records if certain
6 criteria are met, including the lack of a conviction record for
7 a specified time period following the date of conviction.

8 SECTION 2. Chapter 831, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 **"§831- Automatic expungement orders; records of**
12 **conviction.** (a) Notwithstanding the provisions of sections
13 291E-64(e), 706-622.5(4) and (5), 706-622.8, 706-622.9(3), and
14 712-1200(4)(c), and any other law having more restrictive
15 eligibility requirements for expungement than those set forth in
16 this subsection, a person with a conviction record for a petty
17 misdemeanor, misdemeanor, or nonviolent class C felony offense
18 shall be eligible for automatic expungement of the conviction
19 record, including records of any court proceedings stemming from
20 the same conviction, created after the judiciary converted to



1 its electronic recordkeeping system if the person meets the
2 following criteria:

3 (1) If the person has a conviction record for a petty
4 misdemeanor or misdemeanor offense:

5 (A) Five years or more have elapsed from the date of
6 conviction for the offense; and

7 (B) The person has not subsequently been convicted of
8 any petty misdemeanor, misdemeanor, or felony
9 offense in the State within the five-year waiting
10 period; and

11 (2) If the person has a conviction record for a nonviolent
12 class C felony offense:

13 (A) Seven years or more have elapsed from the date of
14 conviction for the offense; and

15 (B) The person has not subsequently been convicted of
16 any petty misdemeanor, misdemeanor, or felony
17 offense in the State within the seven-year
18 waiting period.

19 (b) Beginning on December 1, 2026, the department of the
20 attorney general, with assistance from the Hawaii Innocence



1 Project at the university of Hawaii at Manoa William S.

2 Richardson school of law, on a monthly basis, shall:

3 (1) Identify conviction records that meet the criteria
4 under subsection (a); provided that the person whose
5 conviction is reflected in the conviction record also
6 meets the criteria specified in subsection (a); and

7 (2) Automatically issue an expungement order annulling,
8 canceling, and rescinding the record of conviction.

9 (c) A person associated with conviction records who is
10 eligible for automatic expungement under this section shall not
11 be required to file a written application seeking expungement in
12 order for the expungement process to occur as prescribed by this
13 section; provided that nothing in this section shall preclude a
14 person who is eligible for automatic expungement under this
15 section from applying for expungement of records under section
16 291E-64(e), 706-622.5(4) and (5), 706-622.8, 706-622.9(3), or
17 712-1200(4)(c), or any other law authorizing the expungement of
18 records, if the automatic expungement required by subsection (b)
19 has not timely occurred.

20 (d) Beginning on December 1, 2026, the judiciary, on a
21 monthly basis, shall automatically seal or otherwise remove from



1 the judiciary's publicly accessible electronic databases all
2 judiciary files pertaining to the applicable conviction,
3 including court proceedings, with respect to any person for whom
4 an expungement order has been issued pursuant to subsection (b).

5 The court shall make good faith diligent efforts to seal or
6 otherwise remove the applicable files and information within a
7 reasonable time after issuance of the expungement order.

8 (e) After expungement, sealed conviction records shall not
9 be divulged except by inquiry by:

10 (1) The prosecuting attorney acting within the scope of
11 the prosecuting attorney's duties; or

12 (2) Immigration officials acting within the scope of the
13 immigration officials' duties;

14 provided that the person whose conviction records are sealed may
15 obtain a copy of the records upon written request.

16 (f) As used in this section, "conviction" has the same
17 meaning as in section 831-3.2.

18 (g) The attorney general shall adopt rules pursuant to
19 chapter 91 necessary for the purpose of this section.



1 (h) Nothing in this section shall affect the compilation
2 of crime statistics or information stored or disseminated as
3 provided in chapter 846."

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6

INTRODUCED BY:

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JAN 17 2024



H.B. NO. 1663

Report Title:

AG; Judiciary; Criminal Records; Conviction; Automatic
Expungement

Description:

Expands eligibility for, and automates, the expungement of conviction records if certain criteria are met. Beginning 12/1/2026, requires the Attorney General to issue automatic expungement orders and the Judiciary to seal or remove information from publicly accessible databases.

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