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# A BILL FOR AN ACT

RELATING TO THE EXPUNGEMENT OF CRIMINAL RECORDS.

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

1           SECTION 1. Chapter 831, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§831-       Automatic expungement orders; records of arrest  
5 and conviction. (a) Notwithstanding the provisions of sections  
6 291E-64(e), 706-622.5(4), 706-622.9(3), 712-1200(4)(c),  
7 853-1(e), and any other law having more restrictive eligibility  
8 requirements for expungement than those set forth in this  
9 subsection, a person who is eligible to apply for expungement of  
10 an arrest record under section 831-3.2 shall be eligible for  
11 automatic expungement of an arrest record and records of any  
12 court proceedings stemming from the same arrest, including a  
13 record of conviction; provided that:

14           (1) The arrest or conviction was:

15                   (A) A direct result of the person being a victim of  
16                   an offense of trafficking under section 707-781,  
17                   707-782, or 712-1202;



- 1           (B) For any offense under section 329-43.5, except
- 2                   offenses under subsections (a) and (b) of that
- 3                   section, which constitute violations involving
- 4                   the possession or use of drug paraphernalia;
- 5           (C) For any felony offense under part IV of chapter
- 6                   712 involving the possession of any dangerous
- 7                   drug, detrimental drug, harmful drug,
- 8                   intoxicating compound, marijuana, or marijuana
- 9                   concentrate, as defined in section 712-1240; or
- 10          (D) For any petty misdemeanor or misdemeanor offense
- 11                   except:
- 12                   (i) Abuse of family or household members under
- 13                   section 709-906; or
- 14                   (ii) Operating a vehicle under the influence of
- 15                   an intoxicant under section 291E-61; and
- 16          (2) The person meets the following criteria:
- 17           (A) If the person has an arrest or conviction record
- 18                   for a petty misdemeanor or misdemeanor offense:
- 19                   (i) Five years or more have elapsed from the
- 20                   date of conviction for the offense, or the
- 21                   date of release from incarceration if



1 sentenced to a term of incarceration,  
2 whichever is later; or from the date of  
3 arrest if there was no resulting conviction;  
4 and

5 (ii) The person has not subsequently been  
6 convicted of any petty misdemeanor,  
7 misdemeanor, or felony offense; and

8 (B) If the person has an arrest or conviction record  
9 for a felony offense:

10 (i) Seven years or more have elapsed from the  
11 date of conviction for the offense, or the  
12 date of release from incarceration if  
13 sentenced to a term of incarceration,  
14 whichever is later; or from the date of  
15 arrest if there was no resulting conviction;  
16 and

17 (ii) The person has not subsequently been  
18 convicted of any petty misdemeanor,  
19 misdemeanor, or felony offense.

20 (b) Beginning on January 1, 2025, on a monthly basis, the  
21 department of the attorney general shall:



1       (1) Identify arrest records that meet the criteria for  
2       issuance of an expungement order under section  
3       831-3.2(a); provided that the person whose arrest is  
4       reflected in the arrest record also meets the criteria  
5       specified in subsection (a); and

6       (2) Automatically issue an expungement order annulling,  
7       canceling, and rescinding the record of arrest, and,  
8       accordingly, issue the affected person an expungement  
9       certificate as required by section 831-3.2(e).

10       (c) Any state or county law enforcement agency that is  
11       required to take certain actions in response to the expungement  
12       of an arrest record under section 831-3.2 shall do so with  
13       respect to any automatic expungement of an arrest record that  
14       occurs under this section.

15       (d) A person associated with arrest or conviction records  
16       that are eligible for automatic expungement under this section  
17       shall not be required to file a written application seeking  
18       expungement in order for the expungement process to occur as  
19       prescribed by this section; provided that nothing in this  
20       section shall preclude a person who is eligible for automatic  
21       expungement under this section from filing a written application



1 for expungement of records under section 831-3.2 if the  
2 automatic expungement required by subsection (b) has not timely  
3 occurred.

4 (e) Beginning on January 1, 2025, on a monthly basis, the  
5 judiciary shall automatically seal or otherwise remove from the  
6 judiciary's publicly accessible electronic databases all  
7 judiciary files and other information pertaining to the  
8 applicable arrest, court proceeding, or conviction, with respect  
9 to any person for whom an expungement order has been issued  
10 pursuant to subsection (b). The court shall make good faith  
11 diligent efforts to seal or otherwise remove the applicable  
12 files and information within a reasonable time after issuance of  
13 the expungement order. The court shall provide written notice  
14 to an affected person that the person's records are scheduled to  
15 be sealed on a given date, and shall provide the person with a  
16 reasonable opportunity to obtain a copy of the records prior to  
17 the date that the records are scheduled to be sealed.

18 (f) As used in this section:  
19 "Arrest record" has the same meaning as in section 831-3.2.  
20 "Conviction" has the same meaning as in section 831-3.2.



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

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

6        SECTION 2. Section 831-3.2, Hawaii Revised Statutes, is  
 7 amended by amending its title to read as follows:

8        "§831-3.2 Expungement orders[-]; records of arrest."

9        SECTION 3. Statutory material to be repealed is bracketed  
 10 and stricken. New statutory material is underscored.

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

12

INTRODUCED BY: 



# S.B. NO. 2007

**Report Title:**

Criminal Records; Arrest; Conviction; Automatic Expungement

**Description:**

Expands eligibility for, and automates, the expungement of arrest and conviction records for certain misdemeanors, crimes as a result of being a victim of human trafficking, and crimes relating to possession or use of controlled substances if certain criteria are met, including the lack of a conviction record for a specified time period following the date of an arrest, conviction, or release from incarceration.

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

