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# 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. As of 2019, three hundred thousand  
9 residents of the State have been adversely affected by past  
10 criminal records, hindering their ability to fully participate  
11 in society, access employment, housing, and other opportunities.

12           The legislature notes that by being more easily available  
13 to attain employment and housing, individuals with cleared  
14 records are significantly less likely to reoffend, contributing  
15 to safer communities and reducing recidivism rates.

16           The legislature also finds that many states, including  
17 Hawai'i, have laws that allow persons who meet certain



1 eligibility criteria to petition or apply for the removal of a  
2 criminal record. This current process is administratively  
3 cumbersome and creates an unnecessary burden on the criminal  
4 legal system, whereby resources are inefficiently allocated to  
5 administer and review these petitions. Furthermore, the  
6 citizens engaged in this process must face an additional burden  
7 before being able to clear their records.

8       The legislature further finds that making the procedure  
9 automatic would eliminate the need for an eligible person to  
10 navigate this process and pay any required processing fees.  
11 According to research compiled by the National Conference of  
12 State Legislatures, twenty states have at least one statutory  
13 automatic record-clearing provision as of July 2021. Michigan,  
14 New Jersey, Pennsylvania, and Utah are examples of states having  
15 laws that automate the record-clearing process; these laws are  
16 sometimes known as "clean slate laws". As of 2024, twelve  
17 states are already engaging in state-initiated record clearing  
18 processes.

19       The legislature finds that these states, through  
20 implementing some type of clean slate laws, have increased  
21 access to opportunities for their citizens, removed barriers to



1 reintegration that disproportionately impact marginalized  
2 communities, increased public safety, and streamlined legal  
3 processes.

4 Accordingly, the purpose of this Act is to establish the  
5 clean slate expungement task force to develop a state-initiated  
6 record clearing program.

7 SECTION 2. (a) There is established the clean slate  
8 expungement task force to develop a state-initiated record  
9 clearing program. The clean slate expungement task force shall  
10 be attached to the judiciary for administrative purposes only.

11 (b) The task force shall develop legislation for a record  
12 clearing program that:

13 (1) Expands access to employment, education, and other  
14 necessities required for successful reintegration as a  
15 successful member of society;

16 (2) Promotes equity and fairness by removing barriers  
17 within the criminal legal system that  
18 disproportionately impact marginalized communities;

19 (3) Enhances public safety by adopting best practices for  
20 clearing records that have been linked to a reduction  
21 in recidivism; and



1 (4) Streamlines legal processes to free up time and  
2 resources that can be better spent on more important  
3 efforts to ensure public safety.

4 (c) The task force shall be composed of the following  
5 members or their designees:

6 (1) The attorney general;

7 (2) The chief justice;

8 (3) The public defender;

9 (4) The prosecutors of the county of Hawai'i, county of  
10 Maui, city and county of Honolulu, and county of  
11 Kaua'i;

12 (5) The chief executive officer of the office of Hawaiian  
13 affairs;

14 (6) The administrator of the Hawaii criminal justice data  
15 center;

16 (7) The director of the criminal justice research  
17 institute;

18 (8) The executive director of the Hawaii Workers Center;

19 (9) The executive director of the ACLU of Hawai'i;

20 (10) The chairperson of Hawai'i Friends of Restorative  
21 Justice;



1 (11) The director of the Beyond Guilt Clinic and Hawai'i  
2 Innocence Project at the William S. Richardson School  
3 of Law; and

4 (12) The director of the Last Prisoner Project.

5 (d) The task force shall seek technical assistance from:

6 (1) The Clean State Initiative; and

7 (2) Code for America.

8 (e) The task force shall submit an interim report of its  
9 findings and recommendations, including any proposed  
10 legislation, to the legislature no later than forty days prior  
11 to the convening of the regular session of 2025. The task force  
12 shall submit a final report of its findings and recommendations,  
13 including any proposed legislation, to the legislature no later  
14 than forty days prior to the convening of the regular session of  
15 2026.

16 (f) The task force shall be dissolved on February 1, 2026.

17 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Clean Slate Expungement Task Force; Criminal Records;  
Conviction; Automatic Expungement; Reports

**Description:**

Establishes the Clean Slate Expungement Task Force to develop a state-initiated record clearing program. Requires the Task Force to submit reports to the Legislature. (SD1)

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

