

Honolulu, Hawaii  
**FEB 29**, 2024

RE: H.B. No. 1595  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1595 entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Create a state-initiated process to expunge criminal records related to the offense of promoting a detrimental drug in the third degree at no cost to the record holder; and
- (2) Require the Hawaii Criminal Justice Data Center to submit biannual reports to the Legislature until all eligible records are expunged.

Your Committee received testimony in support of this measure from the Office of the Public Defender; ACLU of Hawai'i; Last Prisoner Project; Marijuana Policy Project; Hawai'i Innocence Project; Democratic Party of Hawai'i; National Organization for the Reform of Marijuana Laws; The Clean Slate Initiative; Opportunity Youth Action Hawai'i; Going Home Hawai'i; Cannabis Society of Hawai'i; Hawaii Appleseed Center for Law and Economic Justice; Japanese American Citizens League; and nine individuals. Your Committee received testimony in opposition to this measure from



the Judiciary; Department of the Attorney General; and Department of Corrections and Rehabilitation.

Your Committee finds that the offense of promoting a detrimental drug in the third degree is a drug offense that involves knowingly possessing any marijuana or any Schedule V substance - the lowest schedule in the Uniform Controlled Substances Act - in any amount. Since its enactment, tens of thousands of people have been arrested for and convicted of promoting a detrimental drug in the third degree, potentially upending their lives and harming their future prospects over a minor drug offense.

Your Committee further finds that the Legislature has been actively pursuing criminal justice reform, including through the expungement of arrest and conviction records. Act 273, Session Laws of Hawaii 2019, decriminalized the possession of three grams or less of marijuana and authorized the expungement of persons who were previously convicted for that offense. Act 159, Session Laws of Hawaii 2023, required the courts to automatically seal or remove from the Judiciary's publicly accessible databases any information relevant to the arrest or case of a person for whom an expungement order has been entered and transmitted to the court. Your Committee believes that this measure builds upon the Legislature's previous efforts and will help tens of thousands of people achieve better outcomes in life.

Your Committee has amended this measure by:

- (1) Deleting language that required the office of the prosecuting attorney and police department of each county to seal all records relating to eligible cases and update the Hawaii Criminal Justice Data Center on a monthly basis, and provided immunity for any acts or omissions related to these expungement procedures;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



Your Committee respectfully requests that this measure be aligned with Act 159, Session Laws of Hawaii 2023, which takes effect on July 1, 2025.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1595, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1595, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



