

STAND. COM. REP. NO. 3103

Honolulu, Hawaii

MAR 15 2024

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1595, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Create a state-initiated process to expunge records of arrests and convictions for 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, Hawai'i Civil Rights Commission, Last Prisoner Project, Marijuana Policy Project, Community Alliance on Prisons, ACLU of Hawai'i, Chamber of Sustainable Commerce, Democratic Party of Hawai'i, National Organization for the Reform of Marijuana Laws, Japanese American Citizens League, Aloha Green Apothecary, Hawaiian Ethos, Techmana LLC, Drug Policy Forum of Hawai'i, and fifty-seven individuals.



Your Committee received testimony in opposition to this measure from the Hawaii High Intensity Drug Trafficking Area, Department of the Attorney General, Department of Corrections and Rehabilitation, Department of the Prosecuting Attorney of the County of Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, and one individual.

Your Committee received comments on this measure from the Judiciary.

Your Committee finds that having an arrest record is a difficult barrier to overcome due to bias and stigma. Criminal records also block access to jobs, housing, education, public participation, insurance, or full participation in social and civil community life. Additionally, studies have shown that there is a disparate impact of the criminal justice system on minority and marginalized groups, further creating inequalities. However, your Committee finds that establishing a state-wide expungement process is premature and believes that a pilot project limited to certain offenses is a better approach at this time.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have created a statewide state-initiated process to expunge records of arrests and convictions for the offense of promoting a detrimental drug in the third degree at no cost to the record holder;
- (2) Inserting language requiring the Department of the Attorney General to establish and administer a pilot project for state-initiated expungement of certain arrest records for marijuana offenses under section 712-1249, Hawaii Revised Statutes, in a county having a population greater than two hundred thousand and less than five hundred thousand persons;
- (3) Inserting language requiring the Hawaii Criminal Justice Data Center to submit reports to the Legislature;
- (4) Amending section 1 to reflect its amended purpose;
- (5) Making it effective upon its approval; and



- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests consideration be given to expanding the pilot project to include arrests and convictions for possession and delivery of drug paraphernalia by adults, which was decriminalized by Act 72, Session Laws of Hawaii 2017.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1595, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1595, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



