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March 11, 2024

My name is Gary Yabuta, and I am the Executive Director of the Hawaii High Intensity Drug Trafficking Area (HIDTA)--a grant-funded program of the Office of National Drug Control Policy, Executive Office of the President. The Hawaii HIDTA supports drug interdiction and demand reduction strategies by developing collaborative federal, state, and local enforcement task forces and prevention programs throughout the Hawaii, including the City and County of Honolulu, Hawaii County, Maui County, and Kauai County. I was also Chief of Police for the Maui Police Department from 2009 to 2014.

On behalf of Hawaii HIDTA's state and local criminal justice partners, I express my opposition to HB 1595, Relating to Expungement. The impact of this bill will be, at the very least, a logistical nightmare for the government, and at a moment when the state and its justice institutions cannot afford the necessary staffing, cost, and resources to implement mandatory and across the board expungement for those with an arrest record for Promoting a Detrimental Drug III--more specifically marijuana. HB 1595 will burden our state's criminal justice system and our local law enforcement police departments with an unrealistic responsibility just for the popularity of the marijuana decriminalization movement, which is becoming more unpopular by the day.

BUREAU OF ALCOHOL TOBACCO AND FIREARMS • CITY & COUNTY HONOLULU DEPARTMENT OF THE PROSECUTING ATTORNEY • DRUG ENFORCEMENT ADMINISTRATION • FEDERAL BUREAU OF INVESTIGATION • HAWAII POLICE DEPARTMENT • HAWAII NATIONAL GUARD • HOMELAND SECURITY INVESTIGATIONS
HONOLULU POLICE DEPARTMENT • INTERNAL REVENUE SERVICE • JOINT INTER-AGENCY TASK FORCE -WEST
KAUAI POLICE DEPARTMENT • MAUI POLICE DEPARTMENT • NAVAL CRIMINAL INVESTIGATIVE SERVICE
STATE OF HAWAII DEPARTMENT OF THE ATTORNEY GENERAL • STATE OF HAWAII DEPARTMENT OF PUBLIC SAFETY
UNITED STATES ATTORNEY'S OFFICE • UNITED STATES COAST GUARD • UNITED STATES CUSTOMS AND BORDER PROTECTION
UNITED STATES MARSHALS SERVICE • UNITED STATES POSTAL INSPECTION SERVICE • WESTERN STATES INFORMATION NETWORK

HAWAII HIGH INTENSITY DRUG TRAFFICKING AREA

Hawai'i HIDTA

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3/11/2024

More so, Promoting a Detrimental Drug III remains active as a criminal offense in the Hawaii Revised Statutes, and remains categorized as a Schedule I drug by the U.S. Department of Justice, Drug Enforcement Administration (DEA). According to my relationship with DEA and Office of National Drug Control Policy, there is no intention of removing marijuana from its current Schedule I listing.

Sincerely,

Gary Yabuta
Executive Director
Hawaii High Intensity Drug Trafficking Area



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 1595, H.D. 1, RELATING TO EXPUNGEMENT.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 12, 2024 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 016 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Dave Day, Special Assistant to the Attorney General, or
Michelle M.L. Puu, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) strongly opposes this bill as currently drafted, but offers the following comments, which includes the offering of an amendment that would create a pilot program.

The purpose of this bill is to create a state-initiated process to expunge all records of arrests and convictions for the offense of Promoting a Detrimental Drug in the Third Degree, section 712-1249, Hawaii Revised Statutes (HRS), without petition by or cost to the record holder.

The Department's primary concern with this bill is that it would effectively repeal Promoting a Detrimental Drug in the Third Degree, under section 712-1249, HRS, yet that continues to be an offense within Hawaii's Penal Code. Decisions on expungement and the sealing of court records involving convictions should not be made unless or until section 712-1249, HRS, no longer exists in the Penal Code. Otherwise, a person could theoretically be arrested or convicted pursuant to section 712-1249, HRS, one day, with the expectation that the record be expunged the next day.

Second, pursuant to section 831-3.2, HRS, individuals who are "arrested for, or charged with but not convicted of a crime" already qualify for expungement (assuming they meet all other qualifications), regardless of the specific charge. Moreover, pursuant to section 706-622.5(5), HRS, individuals who have been convicted for

possession of three grams or less of marijuana under section 712-1249, HRS, also qualify for expungement upon a motion granted by the court (assuming they meet all other qualifications). There is already a process for expunging such records in the law that does not unreasonably burden the Department: an applicant-initiated process.

Third, it would be practically impossible for the Judiciary, prosecutors, law enforcement, and the Department to correctly identify and locate all the individuals across the State who qualify for expungements under the current wording of this bill. Currently, individuals who desire expungement are only required to submit a simple, one-page application form to start the expungement process in accordance with section 831-3.2, HRS. Nevertheless, that simple form contains crucial information for processing the paperwork needed to accomplish the expungement, including a person's current legal name, any alias or past names used, date of birth, social security number, current address, phone number, and email address. Without this updated information for each individual, the Department's Hawaii Criminal Justice Data Center (Data Center) would likely have to spend thousands of additional hours to track down the current information of all persons with an arrest or conviction eligible for expungement, which would then make it impossible for the Data Center to maintain its current duties.

Fourth, our current expungement process involves the mailing of a certificate of expungement, mug photo, and fingerprints to the applicant once it has been granted. See section 831-3.2, HRS. This sensitive information cannot and should not be disseminated via years-old mailing addresses, as many people have undoubtedly moved and/or changed mailing addresses over the years, and dissemination via outdated information would not be effective and might compromise privacy rights. Moreover, this information cannot be stored or maintained indefinitely by the Department.

Fifth, based on section 1 of this bill, it appears the purpose of the bill is to respond to the "decriminalization" of the possession of marijuana in the amount of 3 grams or less, yet the proposed mandate would actually involve expungement of all offenses charged under section 712-1249, HRS. Section 712-1249, HRS, currently covers possession of less than one ounce of marijuana, or any amount of a Schedule V

substance. Given the intent of the bill, it seems inconsistent that all offenses under section 712-1249 should be expunged.

Instead of the bill in its current form, the Department proposes a pilot project whereby certain individuals who have been arrested solely for marijuana possession under section 712-1249, HRS, and whose arrest resulted in a non-conviction disposition, have the arrest expunged via a state-initiated process. This pilot project would be limited to cases within a single county, to ensure a manageable number of cases for the Data Center to process using existing resources and would last for approximately for fourteen months. Results of the pilot project could then be used to evaluate the project's effectiveness, utility, and efficiency, and to allow the Data Center to make more informed recommendations for future efforts. The Department has attached a Proposed S.D. 1 to this testimony, which would implement the pilot project.

The Department reiterates its strong opposition to this bill in its current form and requests that its proposed amendments be adopted or, alternatively, that this bill be held.

Thank you for the opportunity to testify.

A BILL FOR AN ACT

RELATING TO EXPUNGEMENT.

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

1 SECTION 1. The Legislature finds that the Hawaii criminal
2 justice data center is a division of the department of the
3 attorney general and is responsible for the statewide criminal
4 history record information system and for processing expungement
5 orders pursuant to section 831-3.2, Hawaii Revised Statutes. To
6 expunge records relating to any offense, manual examination of
7 those records is required. Currently, the Hawaii criminal
8 justice data center receives approximately one thousand four
9 hundred applications for expungement per year, and there is only
10 one staff member who processes all expungement requests.

11 As of March 10, 2024, there are over fifty-thousand records
12 with a charge code of section 712-1249, Hawaii Revised Statutes,
13 promoting a detrimental drug in a third degree, which involves
14 possession of less than one ounce of marijuana or less than one-
15 eighth ounce (or less than fifty tablets or capsules, as
16 applicable) of any Schedule V substance.

17 Recognizing the limited resources of the Hawaii criminal
18 justice data center and current budgetary constraints, the

1 purpose of this Act is to establish a pilot project, to be
2 administered by the department of the attorney general, to
3 expunge certain arrest records and other records pertaining to
4 prior arrests made under section 712-1249, Hawaii Revised
5 Statutes, concerning the possession of less than one ounce of
6 marijuana. For purposes of this pilot project, the Hawaii
7 criminal justice data center will use existing resources only,
8 without any additional appropriations, and will report to the
9 legislature on progress and lessons learned, which can better
10 inform future legislation concerning state-initiated
11 expungement.

12 SECTION 2. (a) The department of the attorney general
13 shall establish and administer a pilot project beginning on the
14 effective date of this Act and ending on October 1, 2025, for a
15 state-initiated project to expunge certain arrest records
16 relating to the offense under section 712-1249, Hawaii Revised
17 Statutes, for possessing marijuana. For purposes of this pilot
18 project, the department of the attorney general shall utilize
19 the existing funding and resources of the Hawaii criminal
20 justice data center.

21 (b) Notwithstanding section 831-3.2, Hawaii Revised
22 Statutes, or any other law to the contrary, the department of

1 the attorney general shall issue, without any written
2 application by the holder of an arrest record and on the
3 department's own initiative, an expungement order annulling,
4 cancelling, and rescinding the arrest record where:

5 (1) The arrest occurred before January 11, 2020;

6 (2) The arrest resulted in a single charge of violating
7 section 712-1249, Hawaii Revised Statutes, for
8 possessing marijuana;

9 (3) The arrest occurred in the county of _____;

10 (4) The criminal case terminated with a final disposition
11 other than a conviction; and

12 (5) An expungement order is not otherwise prohibited from
13 being issued by law, including section 831-3.2(a),
14 Hawaii Revised Statutes.

15 (c) Upon the issuance of the expungement order, a person
16 whose arrest record has been expunged shall be treated as not
17 having been arrested in all respects not otherwise provided for
18 in section 831-3.2, Hawaii Revised Statutes.

19 (d) Upon the issuance of the expungement order, all
20 records pertaining to the arrest that are in the custody or
21 control of any law enforcement agency of the State or any county
22 government, and that are capable of being forwarded to the

1 attorney general without affecting other records not pertaining
2 to the arrest, shall be so forwarded for placement of the arrest
3 records in a confidential file.

4 (e) An arrest record expunged under subsection (c) shall
5 not be divulged except upon inquiry by:

6 (1) A court of law or an agency thereof that is preparing
7 a presentence investigation for the court;

8 (2) An agency of the federal or state government that is
9 considering the subject person for a position
10 immediately and directly affecting the national or
11 state security; or

12 (3) A law enforcement agency acting within the scope of
13 its duties.

14 Response to any other inquiry shall not be different from
15 responses made about persons who have no arrest records.

16 (f) Any person who is eligible for expungement pursuant to
17 this section may request in writing a copy of the person's
18 criminal history to verify whether the record has been updated,
19 upon payment of a reasonable fee to be set by the department of
20 the attorney general.

21 (g) Any person for whom an expungement order has been
22 entered pursuant to this section may request in writing and

1 obtain from the department of the attorney general, for a
2 reasonable fee, an expungement certificate stating that the
3 order has been issued and that its effect is to annul the record
4 of a specific arrest. The certificate shall authorize the
5 person to state, in response to any question or inquiry, whether
6 or not under oath, that the person has no record regarding the
7 specific arrest. Such a statement shall not make the person
8 subject to any action for perjury, civil suit, discharge from
9 employment, or any other adverse action.

10 (h) Nothing in this section shall be construed to restrict
11 or modify a person's rights to have a record expunged pursuant
12 to section 831-3.2, Hawaii Revised Statutes, or to diminish or
13 abrogate any other rights or remedies available to the person.

14 (i) The department of the attorney general may adopt
15 interim rules necessary for the purpose of this section, which
16 shall be exempt from chapters 91 and 201M, Hawaii Revised
17 Statutes, to effectuate the purposes of this section; provided
18 that the interim rules shall remain in effect until October 1,
19 2025.

20 (j) The department of the attorney general and its
21 employees and agents shall be immune from any civil liability
22 for any act of commission or omission, taken in good faith,

1 arising out of and in the course of participation in, or
2 assistance with the expungement procedures set forth in this
3 section. The immunity afforded pursuant to this section shall
4 be in addition to and not in limitation of any other immunity
5 provided by law.

6 (k) For purposes of this section:

7 "Arrest record" has the same meaning as defined in section
8 831-3.2(g), Hawaii Revised Statutes.

9 "Conviction" has the same meaning as defined in section
10 831-3.2(g), Hawaii Revised Statutes.

11 SECTION 3. The Hawaii criminal justice data center shall
12 submit a report to the legislature regarding the progress of the
13 pilot project, no later than twenty days prior to the convening
14 of the regular legislative sessions of 2025 and 2026, that shall
15 include the following:

- 16 (1) The total number of records identified to date as
17 potentially eligible for expungement;
- 18 (2) The total number of expungement orders granted to date
19 by the department of the attorney general;
- 20 (3) The total time and resources expended by the Hawaii
21 criminal justice data center to date on this pilot
22 project; and

H.B. NO. 1595
Proposed S.D. 1

1 (4) With respect to the report due to the legislature
2 twenty days prior to the convening of the regular
3 legislative session of 2026, any future
4 recommendations, including a statement of required
5 resources and appropriations concerning state-
6 initiated expungements.

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

H.B. NO. 1595

Report Title:

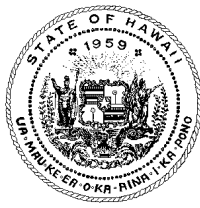
Department of the Attorney General; Hawaii Criminal Justice Data Center; Expungement; Pilot Project; Marijuana; Reports

Description:

Creates a pilot project, to be administered by the Department of the Attorney General, for a state-initiated expungement of arrest records concerning the offense under section 712-1249, Hawaii Revised Statutes, for possessing marijuana, where the arrest occurred before January 11, 2020, in the County of _____, and involved only a single charge and the criminal case terminated with a final disposition other than a conviction.

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

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
a Ho'oponopono Ola*
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Pamela J. Sturz
Deputy Director
Correctional Institutions

Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

No. _____

WRITTEN TESTIMONY ONLY

TESTIMONY ON HOUSE BILL 1595, HOUSE DRAFT 1
RELATING TO EXPUNGEMENT.

By
Tommy Johnson, Director
Department of Corrections and Rehabilitation

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, March 12, 2024; 10:00 a.m.
State Capitol, Conference Room 016 & via Videoconference

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) strongly opposes House Bill HB) 1595, House Draft (HD) 1, which proposes to create a state-initiated process to expunge records of arrests and convictions pursuant to Section 712-1249, Hawai'i Revised Statutes, at no cost to the record holder. In cases where an offender receives one or more orders of resentencing, it is possible for their case to remain active beyond 7 years from the date of conviction. Additionally, in cases with multiple counts, it is possible for a misdemeanor or nonviolent class C felony to be sentenced alongside other more serious counts with longer sentences that may exceed the 5 to 7-year waiting period.

In these cases, it would not be practicable for conviction records to be expunged for some counts, but not all. Furthermore, an offender's restitution obligation may extend beyond a period of 5-7 years from the date of their conviction if the whole restitution balance has not yet been paid in full. Inmates and parolees who have

House Bill 1595, House Draft 1 Relating to Expungement.

Senate Committee on Judiciary

March 12, 2024

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been sentenced to pay restitution will be hampered in their efforts to make their legally required payments and to demonstrate accountability toward their victims.

It is for these reasons stated above that the Department strongly opposes HB 1595, HD1 and respectfully requests that it be deferred.

Thank you for the opportunity to submit testimony in opposition to HB 1595, HD1.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Second Legislature, 2024 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, March 12, 2024, 10:00 a.m.
State Capitol, Conference Room 016 & Videoconference

by:
Thomas J. Berger
Staff Attorney for the Hawai‘i Supreme Court

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1595, H.D. 1, Relating to Expungement.

Purpose: Creates 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. Requires the Hawai‘i Criminal Justice Data Center to submit biannual reports to the Legislature until all eligible records are expunged. Effective 7/1/3000. (HD1)

Judiciary’s Position:

We appreciate the legislative intent of the bill and most assuredly share the Committee’s concerns about simplifying the process for self-represented parties. However, we respectfully request this measure be deferred to allow time for further study and offer the following for your consideration:

1. **Act 273 (2019) already provides a current process for the expungement of convictions under section 712-1249 of the Hawai‘i Revised Statutes (HRS) for those persons convicted for the possession of three grams or less of marijuana.** Specifically, Act 273 not only made possession of three grams or less of marijuana a violation, but also amended HRS § 706-622.5 by adding subsection (5) permitting the person convicted of such an offense prior to its decriminalization to apply to the court



for relief, and requiring the court to expunge any such conviction. Further, expungement of all non-conviction arrest records continues to be available under the provisions of HRS § 831-3.2.

- 2. The Judiciary cannot support those provisions of the proposed bill which would limit judicial review and discretion.** For example, Part II of the bill provides that the attorney general shall on its own initiative enter an expungement order as to “any records of conviction.” HB 1595 HD1, p. 2-3. When a judgment of conviction is entered by the court, that judgment can only be set aside, reversed, vacated, or amended by various actions of the court (e.g., appellate action; habeas corpus relief; post-conviction proceedings).¹ In this way, judicial review is required. Relatedly, Part VI of the bill contemplates automatic sealing of court records. The decision to seal a case file requires case-by-case review. The prosecutor, the Department of the Attorney General, the probation office, the public, and/or the press may have a position on the total sealing of a case file, and the court has the opportunity to consider these positions with case-by-case review. Moreover, on a criminal case with multiple defendants or multiple convictions, judicial discretion is needed as to the timing and scope of the sealing of those records. This is because the criminal case may still be open as to some co-defendants or offenses.

As a possible solution, the Judiciary suggests significant revisions be made to this measure similar to other statutory provisions for the expungement of convictions to provide for judicial review and discretion consistent with the comments set forth above.

- 3. The bill would cause significant operational impacts to the Judiciary.** The exact operational impacts are difficult to quantify and the Judiciary is still evaluating this measure. However, it is fair to say that the operational impacts to review motions to expunge a conviction and/or seal on these cases in the district courts would be significant, and would strain resources that would otherwise be focused on the efficient resolution of pending criminal and civil matters.
- 4. Significant Costs.** The costs to the Judiciary are not addressed in the proposed bill. The Judiciary is still reviewing this measure, but at a minimum it will require many more staff to review and process the requests to expunge a conviction and/or seal court records. In addition, implementing this measure may require further technological enhancements to the Judiciary Information Management System (JIMS) with likely substantial costs. Additional study is needed to evaluate these costs and feasibility.
- 5. Clarification needed on eligible offenses.** The bill appears to include all Schedule V substances, not just marijuana, and does not limit its applicability to those offenses

¹ This testimony will not discuss the Governor’s power to issue pardons.



charged prior to January 11, 2020.² Specifically, Section 1 references marijuana related arrests and convictions, but Part II, section 2 refers to HRS § 712-1249 - Promoting a Detrimental Drug in the Third Degree, which applies to marijuana *or any* Schedule V drugs. HRS § 329-22 list the Schedule V drugs which include narcotics, stimulants and depressants. If the intent is to only apply to marijuana related offenses, further study is needed to determine whether the underlying records at issue would identify what type of drug was at issue in the subject-arrest or subject-case. If that determination cannot be made, then clarification is requested as to whether the legislative intent is to cover all Schedule V substances, and not just marijuana, as well as a whether the intent is to cover all convictions for HRS § 712-1249 in perpetuity and not just those convictions that occurred prior to January 11, 2020.

Finally, in addition to the above-concerns, the Judiciary shares with this Committee the following explanation from a report funded by the Clean Slate Initiative (CSI): “Clean Slate initiatives are often referred to as ‘automatically’ clearing criminal records for eligible cases and individuals; [however] the process is not automatic *per se*, but rather *automated* at least to some degree.”³ And continuing, “Research indicates that no Clean Slate initiatives studied are issuing blanket sealing provisions. In every case, the court must identify or validate the identification of specific people, charges, cases, and adjudications that will be cleared.” This is a labor-intensive process that is deserving of thoughtful consideration before implementation.

Fortunately, there are models that could be studied to determine what desired outcomes are possible in Hawai‘i. However, more time and coordination between stakeholders is needed to analyze options, assess available resources and processes, and identify challenges and possible solutions. To this end, SB 2706, SD1 (2024), related to the expungement of criminal records, was amended by this Committee to create a task force to develop a state-initiated record clearing program. Accordingly, the instant bill should be deferred in favor of SB 2706, SD1 (2024).

In conclusion, as drafted the Judiciary is not able to support the provisions of House Bill No. 1595, HD 1. We will, however, continue to work with the members of the Committee and the Legislature to develop solutions consistent with intent of this bill.

Thank you for the opportunity to testify on this matter.

² The effective date of Act 273, which decriminalized possession of three grams or less of marijuana, was January 11, 2020.

³ ROBERTS, DAVID J., ET AL., TECHNICAL AND OPERATIONAL CHALLENGES OF IMPLEMENTING CLEAN SLATE: RESEARCH FINDINGS (2023), *available at* https://static1.squarespace.com/static/62cd94419c528e34ea4093ef/t/643580d2e1b38045c120495f/1681227986297/Tech_Op_Challenges_Clean_Slate_ResearchFindings.pdf (research by SEARCH, the National Consortium for Justice Information and Statistics); *see also Our Work*, CLEANSLATEINITIATIVE.ORG, <https://www.cleanslateinitiative.org/2023-annual-report> (last visited Feb. 3, 2024) (noting that the clean slate implementation report was a CSI-funded research project).



HAWAI‘I CIVIL RIGHTS COMMISSION **KOMIKINA PONO KIWILA O HAWAI‘I**

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Tuesday, March 12, 2024

10:00am

Conference Room 016 & Videoconference
State Capitol, 415 South Beretania Street

To: The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. 1595 HD1

The Hawai‘i Civil Rights Commission (HCRC) supports H.B. 1595 and provides these comments, which, in part, creates a state-initiated process to expunge criminal records related to certain offences at no cost to the record holder.

The HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (section 368-1.5, HRS). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

This bill would remove a barrier for individuals with arrest and court records to expunge their court records for certain offenses. In the context of housing and employment where housing providers and employer may run criminal background checks on applicants, having an arrest and court record is a difficult barrier to overcome due to bias and stigma, may limit opportunities, and cause a damaging

ripple effect in other areas of life. Additionally, studies have shown there is a disparate impact¹ of the criminal justice system on minority and marginalized groups, further creating inequalities. While arrest and court record is a protected category under Chapter 378 Part I, bias—whether it is implicit or explicit—still exists and those who have paid their debt to society often face an uphill battle.

Removal of the court records through a state-initiated process would remove these barriers faced by some individuals because expungement is not automatic, requires additional time and effort, and may be cost-prohibitive for some individuals. Thank you for allowing us the opportunity to testify in support of H.B. 1595 HD1 and provide these comments.

¹ National Conference of State Legislatures, *Racial and Ethnic Disparities in the Criminal Justice System*, <https://www.ncsl.org/civil-and-criminal-justice/racial-and-ethnic-disparities-in-the-criminal-justice-system> (last accessed March 11, 2024).

JON N. IKENAGA
STATE PUBLIC DEFENDER

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March 11, 2024

**TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER STATE OF HAWAII
TO THE COMMITTEE ON JUDICIARY**

HB 1595, HD1: RELATING TO EXPUNGEMENT

March 12, 2024 at 10:00 a.m.

**Chair Karl Rhoads
Vice Chair Mike Gabbard
Honorable Committee Members**

The Office of the Public Defender (OPD) **supports** this bill.

As many as one in three adults in the U.S. have some sort of criminal record.¹ Currently possession of three grams or less of marijuana is not a criminal offense, yet persons who were convicted prior to decriminalization still bear the stigma of a criminal conviction for what would now be a violation. The consequences of having a criminal record are significant. “A criminal record can be a life sentence to poverty, creating barriers to jobs, housing, public assistance, education, family reunification, building good credit and more.”² Moreover, having a criminal record not only has

¹Americans with Criminal Records, The Sentencing Project. See <https://www.sentencingproject.org/app/uploads/2022/08/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf><https://www.sentencingproject.org/app/uploads/2022/08/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf>

² “Working with communities and government to fundamentally transform the process of clearing records,” Code for America (<https://codeforamerica.org/programs/criminal-justice/automatic-record-clearance/#:~:text=In%20total%2C%20our%20technology%20and,Connecticut%2C%20California%2C%20and%20Delaware>).

Americans with Criminal Records, The Sentencing Project. See <https://www.sentencingproject.org/app/uploads/2022/08/Americans-with-Criminal-Records->

negative consequences for the individual but can “create ripple effects for generations” on their children with negative consequences for a child’s cognitive development, school performance and even employment outcomes in adulthood.”³

Fairness dictates that persons who have a criminal conviction under HRS § 712-1249 for what would now be a violation should have their records expunged. Contrary to claims made by opponents of this bill, the expungement process is not easily accessible by many people. Many persons do not have the means nor the wherewithal to initiate expungement of their records. Even a fee of \$35 (\$50 for non-first-time expungements) is beyond the means of many people who could benefit from this bill. Twelve states have passed “Clean Slate” laws which include automation of record clearance (Pennsylvania, Utah, New Jersey, Michigan, Connecticut, Delaware, Virginia, Oklahoma, Colorado, California, Minnesota, New York). This bill seeks to remove the burden from persons who are legally entitled to expungement of their records and fairly places that responsibility on the State where it belongs.⁴

The OPD supports this bill. Thank you for the opportunity to comment on HB 1595, HD1.

[Poverty-and-Opportunity-Profile.pdf](https://www.sentencingproject.org/app/uploads/2022/08/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf)
<https://www.sentencingproject.org/app/uploads/2022/08/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf>

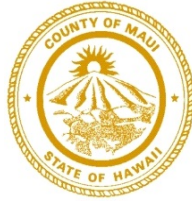
³ Id.

⁴ There is technology available to mitigate the costs associated with this legislation. The Clear My Record team at Code for America (a nonprofit founded in 2009 that works with government at all levels to make the delivery of public services equitable with technology) works with communities, advocates, and government to leverage technology and human-centered design to advance automatic record clearance. Their free open-source application combs through criminal history data to find people eligible for record clearance – at a speed of up to 10,000 eligible convictions per minute. After California passed a new cannabis record clearance law, Clear My Record partnered with five district attorneys offices in California to use their technology to identify eligible records for clearance at a speed of up to 10,000 eligible convictions per minute. Code for America has also worked with Utah to implement a technology that automatically clears the eligible convictions of 500,000 people under the state’s Clean Slate Law. See <https://codeforamerica.org/programs/criminal-justice/automatic-record-clearance/>; <https://codeforamerica.org/news/utah-record-clearance/>

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
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150 SOUTH HIGH STREET
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**TESTIMONY ON HB 1595 HD1
RELATING TO EXPUNGEMENT**

TO: Honorable Karl Rhoads, Chair
Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary

FROM: Department of the Prosecuting Attorney, County of Maui

DATE: March 11, 2024

SUBJECT: OPPOSITION TO HB 1595 HD1, EXPUNGEMENT

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in opposition to H.B. 1595 HD1**, Relating to Expungement, and requests that the measure be deferred. This measure would require all existing and future convictions for violations of HRS 712-1249 to be automatically expunged from an offender's criminal record. We oppose this measure for the following reasons:

1. Although the primary intent of this measure appears to be the automatic expungement of marijuana-related convictions pursuant to HRS 712-1249(1), as drafted this bill would also require the expungement of non-marijuana-related convictions under that section. HRS 712-1249(1) currently prohibits the possession of both marijuana and any Schedule V substance. Schedule V substances include narcotic drugs such as opium, codeine and ethylmorphine. While HRS 712-1249 was recently amended to decriminalize the possession of three grams or less of marijuana, the possession of Schedule V substances remains a petty misdemeanor offense and thus should not be subject to automatic expungement. We also agree with the Department of the Attorney General's prior testimony opposing this measure on the grounds that the existing expungement process (initiated via a simple, one-page application form) is accessible to the average applicant while still providing sufficient information to ensure the process proceeds smoothly.

2. Automatic expungement is a complex topic from both a policy and logistic perspective, and any implementation should not be rushed. We agree with the Judiciary's testimony in opposition to the prior version of this bill that specifically cited issues with infringement upon

judicial review and discretion, as well as increased costs and negative operational impacts due to the sudden influx of expungement motions. Furthermore, a similar bill relating to expungement of criminal offenses (SB 2706 SD1) was previously heard by this committee between February 8 and February 27, 2024. That bill was amended to establish a task force to develop a state-initiated expungement program as a preliminary step, and we believe that this is the safest way to begin examining such a significant change to the current expungement process.

Relatedly, the statutory provisions in other jurisdictions appear to be more comprehensive than the procedure in this measure, and we believe that the above-mentioned task force would be the best way to determine the appropriate language to implement this initiative. For example, California Penal Code 1203.425 requires that an offender disclose the existence of particular convictions regardless of their removal from official records, such as when applying for public office or to become a peace officer.

For these reasons, the Department of the Prosecuting Attorney, County of Maui opposes HB 1595 HD1 and requests that it be deferred. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU

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THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Second State Legislature
Regular Session of 2024
State of Hawai'i

March 12, 2024

RE: H.B. 1595, HD 1; RELATING TO EXPUNGEMENT.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) **opposes** H.B. 1595 HD 1.

H.B. 1595 HD1 creates a state-initiated process for expunging all arrests or convictions under H.R.S. Section 712-1249, which prohibits possession of marijuana and all Schedule V drugs. The bill requires expungement for these offenses even where the person has been arrested or convicted for other crimes. The Department has three main concerns with this bill.

First, expungement of individual counts presents enormous practical challenges. Arrest and conviction records are organized by police reports and court case records. The current expungement law applies to whole reports or cases, which can be sealed expediently. H.B. 1595 HD1 would require police agencies and courts to separate individual sections or particular counts from potentially voluminous records.

Second, the current expungement law only requires the sealing of arrest records, which still remain accessible to law enforcement agencies. It applies to persons who have not been convicted of any crime or who have complied with a court-mandated process for expungement. H.B. 1595 HD1 goes further, by requiring the destruction of these records—effectively extending greater solicitude to persons who knowingly broke the law against those never convicted of any crime or who complied with court orders.

Third, expunging all arrests or convictions under H.R.S. Section 712-1249 would potentially allow persons to possess up to 59 joints (less than one ounce) without the deterrent of facing a conviction on their record for their actions. As a result, H.B. 1595 HD1 would further encourage the expansion of the black market, and send the message to our young people that marijuana is harmless when, in fact, it is not.

Thank you for the opportunity to testify.



Testimony from Frank Stiefel
Senior Policy Associate
Last Prisoner Project

RE: Support for House Bill 1595, HD1, Creating a State-Initiated Process to Expunge Cannabis Possession Records

March 8, 2024

Dear Members of the Committee on Judiciary,

In 2019, the Hawai'i legislature decriminalized the simple possession of cannabis. However, to this day, [thousands of individuals in Hawai'i still carry a criminal record for cannabis possession](#). National research shows that less than 6.5% of people who are already eligible for an expungement ever have their records expunged because of the cumbersome nature of the record clearance process. House Bill 1595, HD 1 (HB 1595) will address this issue by having the Attorney General's Office initiate an expungement process for individuals with a criminal record for cannabis possession, an offense that poses no threat to public safety. In fact, the creation of a state-initiated record clearance process promotes public safety by expanding access to employment, housing, and educational resources that allow for community reintegration and stability. Empirical data demonstrates that five years after benefitting from record clearance, individuals are actually less likely than members of the general public to engage in criminal conduct.

When an individual has a criminal record for cannabis, the collateral consequences linger for a lifetime without access to expungement. Criminal records restrict individuals from employment, housing, political participation, public assistance, education, and a myriad of other services. These restrictions hinder the well-being and safety of entire communities, particularly communities of color who have been systematically targeted by law enforcement during cannabis prohibition.

The Last Prisoner Project (LPP) has worked in Hawai'i for the past two years to ensure that retroactive relief is provided for those who have been criminalized by prohibition. In 2022, LPP presented [evidence-based policy recommendations](#) that were endorsed by Hawaii's Dual Use of Cannabis Task Force. LPP's recommendations outlined state-initiated processes to provide retroactive relief for individuals with cannabis convictions and led to LPP being named in [Concurrent Resolution No. 51/House Resolution No. 53](#), which urged Governor Green to initiate

a clemency program for individuals who are still under supervision for a cannabis conviction. On March 1st of this year, LPP participated in an [informational briefing on the importance of cannabis record clearance](#). During the briefing, we gave a presentation on the landscape of cannabis record clearance and how HB 1595 could provide relief to thousands of individuals who are suffering the collateral consequences of having a criminal record for cannabis possession.

A key component of HB 1595, is that it does not get ahead of the state on the question of legalizing adult-use cannabis, and it does not rely on the state passing a legalization bill. Instead, the bill intends to close the uptake gap between people who have a criminal record for cannabis possession and are already eligible for expungement under existing law but have been unable to obtain relief. Further, we know from data presented by the Hawai'i Criminal Justice Data Center (HCJDC) that approximately 40,000 of the 50,000 criminal records, that would be eligible under HB 1595, are for non-convictions. This means that 40,000 individuals have been found not guilty of any criminal wrongdoing yet they still carry a criminal record.

Prior to 2019, simple possession of cannabis could have landed someone in jail. Even for those lucky enough to avoid that penalty, their arrest still generated a criminal record along with numerous collateral consequences. HB 1595 ensures that individuals who continue to suffer the consequences of a penalty the state changed its mind about enforcing in 2019 are applied evenly so no one is left behind. We urge the members of this committee to support HB 1595 to provide retroactive relief for individuals criminalized by cannabis possession and begin to dismantle the racial injustices that the criminal legal system has perpetuated during prohibition.

We thank you for your consideration of this urgent matter.

About Last Prisoner Project

The Last Prisoner Project, 501(c)(3), is a national nonpartisan, nonprofit organization focused on the intersection of cannabis and criminal justice reform. Through policy campaigns, direct intervention, and advocacy, LPP's team of policy experts works to redress the past and continuing harms of unjust cannabis laws. We are committed to offering our technical expertise to ensure a successful and justice-informed pathway to cannabis legalization in Hawai'i.



March 11, 2024

Re: In support of HB 1595 to create a state-initiated process to expunge certain cannabis records

Aloha Chair Rhoads, Vice Chair Gabbard, and distinguished members of the Senate Judiciary Committee:

My name is Karen O'Keefe. I am the director of state policies for the Marijuana Policy Project (MPP), the largest cannabis policy reform organization in the nation. I am an attorney who has worked on cannabis policy at MPP since 2003. For the past year, I have had the pleasure of working with a coalition of Hawai'i advocates as part of the Hawai'i Alliance for Cannabis Reform.

I am writing to urge you to advance HB 1595, which would create a state-initiated process to expunge lower-level cannabis possession convictions. (Due to the way these offenses are classified in Hawai'i, the bill also includes other Schedule V substances. Separating out those other low-level drug possession convictions out would be unduly burdensome and perhaps impossible.) HB 1595 would remove an economic life sentence that is inappropriate for conduct most Hawai'i voters¹ — and the Hawai'i Senate — believe should be legal.

Criminal records trigger thousands of collateral consequences that make it difficult to get housing, employment, and jobs.² One survey found 92% percent of employers report using criminal records checks on some or all applicants.³ Fifty-five percent of people with records report difficulties getting employment or making a living.⁴ These barriers to legally making ends meet increase the likelihood that people will turn to the underground economy. A lifetime of stigma and collateral consequences is unduly harsh and inappropriate for cannabis possession.

¹ Civiqs found 73% of Hawai'i residents support cannabis legalization as of 2023.

² See: Jamiles Lartey, "How Criminal Records Hold Back Millions of People," *The Marshall Project*, April 1, 2023.

³ Society for Human Resources Management Background Checking: Conducting Criminal Background Checks, slide 3 (Jan. 22, 2010) https://www.slideshare.net/shrm/background-check-criminal?from=share_email

⁴ Alliance for Justice national survey of people with records: <https://asj.allianceforsafetyandjustice.org/wp-content/uploads/2023/05/2023-05-15-2023-TimeDoneSurvey-Full.pdf>

Cannabis enforcement has been staggeringly unequal,⁵ meaning these life-altering collateral consequences disproportionately derail the lives of Black individuals, Native Hawaiians, and other people of color.

The state-initiated aspect of the bill is essential because few eligible individuals complete petition-based expungement,⁶ which is costly and cumbersome.

States are increasingly including state-initiated expungement as part of legalization or companion legislation. States with state-initiated cannabis expungement or shielding include California, Connecticut, Illinois, Maryland, Minnesota, Missouri, New Jersey, New Mexico, New York, Rhode Island, Vermont, and Virginia. Several additional states have Clean Slate laws with state-initiated expungements for larger categories of offenses.

This committee, and the entire Senate, overwhelmingly approved SB 3555, which contemplated state-initiated expungement. However, SB 3555 SD 1 (as passed by Senate JUD) and SD 2 did not to provide a mechanism to execute the expungement, nor did they direct the appropriate agencies to act. Last year's SB 669 — which also passed both Senate Judiciary and the full Senate — was more explicit regarding state-initiated expungement.

HB 1595 is consistent with past action of this committee and the full Senate. But is more narrowly tailored (since it only includes simple possession records, not cultivation or distribution) and more precisely crafted. It is a first step that can be built on in future years.

SB 3335 SD 1 included:

§A-63 Criminal offenses; records; expungement.

(a) Records relating to the arrest, criminal charge, or conviction of a person for an offense under chapter 329, part IV of chapter 712, or any other offense, the basis of which is an act permitted by this chapter or decriminalized under Act , Session Laws of Hawaii 2024, including the possession of marijuana, ***shall be ordered to be expunged*** in accordance with the provisions of this section. (*emphasis added*)

SB 669, SD 2 (2023), Section 3 §706 provided;

(1) Records relating to the arrest, criminal charge, or conviction of a person for an offense under chapter 329, part IV of chapter 712, or any other offense, the basis of which is an act permitted by chapter A or decriminalized under Act , Session Laws of Hawaii 2023, including the possession ***or distribution*** of marijuana, ***shall be ordered expunged*** in accordance with the provisions of this section.

(2) No later than December 31, 2025, the attorney general, in collaboration with the judiciary and county prosecuting attorneys, shall determine the offenses that meet the

⁵ See, "A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform," ACLU, April 16, 2020. (Showing Black people are 3.6 times as likely to be arrested in the U.S. for cannabis, despite similar use rates across races.)

⁶ J.J. Prescott and Sonja B. Starr, "Expungement of Criminal Convictions: An Empirical Study," University of Michigan Law School, 2020. (Finding, "[A]mong those legally eligible for expungement, just 6.5% obtain it within five years of eligibility.")

criteria for expungement set forth in subsection (1). The county prosecuting attorneys shall issue a written notice to persons with records that qualify for expungement under subsection (1). Once offenses have been identified, but no later than January 1, 2026, the attorney general (in cases of an arrest for or charge with but not a conviction of a crime) and the appropriate court of record (in cases of conviction and pursuant to procedures established by the judiciary) shall order the automatic expungement of the records relating to the arrest, criminal charge, or conviction, as appropriate. *(emphasis added)*

HB 1595 includes a specific process that was lacking from SB 3555 SD1 and SD 2 to realize this important feature of legalization and regulation. More than 30,000 individuals have records under § 712-1249. It is time to clear this burden.

Half of Americans admit having used cannabis.⁷ Maintaining a life-long stigma for those who are unlucky enough to get arrested — or, worse, who were arrested as a result of disparate enforcement — is wrong. This “scarlet letter” is especially inappropriate given that cannabis possession has been decriminalized in Hawai’i and the state is seriously contemplating full legalization.

I urge you to report HB 1595 out of committee. Please don’t hesitate to reach out if you have any questions or would like any additional information.

Mahalo for your time and consideration,



Karen O’Keefe
Director of State Policies
202-905-2012
kokeefe@mpp.org

⁷ Justin McCarthy, "Fully Half of Americans Have Tried Marijuana," Gallup, August 10, 2023.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, March 12, 2024

10:00 AM

STRONG SUPPORT FOR HB 1595 HD1 - EXPUNGEMENT

Aloha Chair Rhoads, Vice Chair Gabbard and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for almost thirty years. This testimony is respectfully offered on behalf of the 3,838 Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Corrections and Rehabilitation of March 4, 2024.

We are always mindful that 858 men who are serving their sentences abroad (43.5% of the male prison population of 1,972) thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to testify in **strong support of HB 1595 HD1** that creates a state-initiated process to expunge records of arrest and conviction s for the offense of promoting a detrimental drug in the third degree at no cost to the record holder.

We appreciate that the House Judiciary and Hawaiian Affairs Committee held a very informative informational briefing on expungement to help people understand the process, see what other jurisdictions are doing, and start to develop a process in Hawai`i that will help thousands of people move on with their lives. The onus of a criminal record, especially for a nonviolent low level offense, is a heavy burden for individuals who may be serving time and their families to bear.

According to a recent AG report entitled ‘Report Regarding the Final Draft Bill Entitled ‘Relating to Cannabis,’²

¹ DPS/DCR Weekly Population Report, March 4, 2024.

<https://dcr.hawaii.gov/wp-content/uploads/2024/01/Pop-Reports-Weekly-2024-03.04.pdf>

² Report Regarding the Final Draft Bill Entitled ‘Relating to Cannabis’, page 32 in pdf.

<https://ag.hawaii.gov/wp-content/uploads/2024/01/REPORT-REGARDING-THE-FINAL-DRAFT-BILL-ENTITLED-RELATING-TO-CANNABIS-PREPARED-BY-THE-DEPARTMENT-OF-THE-ATTORNEY-GENERAL-dated-January-5-2024.pdf>

‘...As of January 2, 2024, there are over 50,000 arrests with a charge code of HRS § 712-1249, Promoting a Detrimental Drug in the Third Degree, which the Department considers to be the most minor criminal offense for cannabis. There are over 10,000 convictions for the same offense, and a court order would be required to expunge these convictions under existing law (HRS § 706-622.5). The expungement process is not automatic: it is time and resource intensive. If the Legislature decides to implement an expungement program, it must be an application-driven process.’...

What is being discussed here is what the AG *‘considers to be the most minor criminal offense for cannabis’* that saddle individuals and their families and communities with criminal records that keep them tied to an unforgiving system. Expungement is a way to forgive past mistakes and un-yoke an individual from the criminal legal system that has been exploited by the prohibitionist, tough on crime crowd, whose agency budgets don’t bear the costs that the state must take on to incarcerate these low-level lawbreakers. And the cost is much more than the more than \$250/day to send them to jail or prison. It is the impediment to getting jobs, finding housing, and helping families recover from incarceration – all of them, not just the person who served time.

The Brennan Center released a report in September 2020³ that opens with a graphic - Lost Earnings By The Numbers – the data show that

- 7 million + people have been imprisoned,
- 12 million + have been convicted of a felony without imprisonment, and
- 45 million + have been convicted of a misdemeanor.

This is a loss for the community since people experiencing poverty who are more likely to be imprisoned, frequently overlooked by employers, and who struggle to achieve financial stability for themselves and their families.

Empirical data demonstrates that five years after benefitting from record clearance, individuals are actually less likely than members of the general public to engage in criminal conduct. Prior to 2019, simple possession of cannabis could have landed someone in jail. Even for those lucky enough to avoid that penalty, their arrest still generated a criminal record along with numerous collateral consequences. HB 1595 HD1 ensures that individuals who continue to suffer the consequences of a penalty the state changed its mind about enforcing in 2019 are applied evenly so no one is left behind.

Community Alliance on Prisons urges the committee to support HB 1595 HD1 to provide retroactive relief for individuals criminalized by cannabis possession and begin to dismantle the racial injustices that the criminal legal system has perpetuated during prohibition.

³ **Conviction, Imprisonment, and Lost Earnings - How Involvement with the Criminal Justice System Deepens Inequality**, The Brennan Center, September 2020.
https://www.brennancenter.org/sites/default/files/2020-09/EconomicImpactReport_pdf.pdf



Committee: Judiciary
Hearing Date/Time: Tuesday, March 12, 2024, at 10:00am
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB1595, HD1 Relating to Expungement**

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The ACLU of Hawai'i **supports H.B. 1595 H.D.1**, which creates a state-initiated process to expunge arrest and conviction records of arrests and convictions pursuant to H.R.S. section 712-1249, at no cost to the record holder. Additionally, this measure would require the Hawaii Criminal Justice Data Center to submit bi-annual reports to the Legislature until all eligible records are expunged.

Our state's ineffective prohibition policies on recreational cannabis have impacted civil liberties in many ways – searches and seizures, arrests, locking up individuals behind bars and separating them from families and extracting fines and fees for using a plant with known medicinal properties for thousands of years. In addition, these prohibition policies have resulted in criminal records, effectively creating a lifetime paper prison for many people in Hawai'i.

According to a recent report by the Attorney General's office, there are currently over 50,000 arrests and 10,000 convictions currently in the system for low-level cannabis related offenses.¹

The ACLU of Hawai'i believes in a society where all people, including those who have been arrested and/or convicted of a crime, and have paid their debt under the law, get an equal opportunity to contribute to society and build successful and fulfilling lives.

Research confirms that criminal records create barriers and in some cases block access to jobs, housing, education, participating in public programs and services, insurance, or participating fully in social and civil community life. These barriers have a ripple effect on families and their local communities and economies, disparately impacting Native Hawaiian and Pacific Islanders in Hawai'i.

¹ "Report Regarding the Final Draft Bill Entitled 'Relating to Cannabis.' Hawaii State Department of the Attorney General, January, 2024: <https://ag.hawaii.gov/wp-content/uploads/2024/01/REPORT-REGARDING-THE-FINAL-DRAFT-BILL-ENTITLED-RELATING-TO-CANNABIS-PREPARED-BY-THE-DEPARTMENT-OF-THE-ATTORNEY-GENERAL-dated-January-5-2024.pdf>

According to Prison Policy Initiative and the National Resource Re-entry Center, a criminal record reduces a job seeker's change of getting a callback or job offer by nearly 50%.²

In stark contrast, expungement helps people move on with their lives and get back to work. [Research from the University of Michigan](#) finds that people are 11 percent more likely to be employed and are earning 22 percent higher wages one year after a record has been cleared.

This bill creates a mechanism for state agencies that serve as repositories of arrest and conviction records to work collaboratively and harness technology to create a state-initiated record clearing process for cannabis related arrests and convictions pursuant to H.R.S. sec. 712-1249. In turn, research indicates that this will increase job opportunities and enhanced wages.

Proposed Amendment

We recommend including language that requires removal of records from screening databases. Many employers and property managers find out about criminal convictions not from government databases directly, but from their third-party criminal history screening services.

To ensure expunged convictions do not continue to serve as barriers to individuals, HB 1595 H.D. 1 should mandate that screening services remove all expunged convictions from the next update.

As highlighted by Marijuana Policy Project, Indiana Code § 35-38-9-12 or Virginia Code § 19.2-392.16 may be used as statutory language to strengthen this measure.

For the above reasons, we urge the Committee to support this measure. Thank you for the opportunity to testify in support of **H.B. 1595 H.D. 1**.

Sincerely,

Carrie Ann Shiota

Carrie Ann Shiota
Policy Director
ACLU of Hawai'i
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The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.

² <https://nationalreentryresourcecenter.org/news/clearing-path-conviction-employment#:~:text=Studies%20have%20shown%20that%20the,effects%20of%20a%20criminal%20record>. See also, <https://www.prisonpolicy.org/reports/outofwork.html>

Hawai'i Criminal Justice Data Center
Data Presented at the House Judiciary and Hawaiian Affairs Informational Briefing
March 1, 2024 at 2:00 p.m.

| # | % | #Dup Charges | | Description |
|--------|----------------------------|--------------|-------|---|
| 52,639 | Total charges for 712-1249 | 16,261.00 | 30.9% | About 1/3 of charges are with people who have other charges. |
| 36,378 | | | | Number of unique offenders that were charged with 712-1249 |
| 31,720 | 87.2% | | | Offenders have other charges on their criminal history record |
| 25,600 | 70.4% | | | Offenders were convicted on other charges |

| | | |
|---|---------------|------------|
| Total Number of offenders w/712-1249 Charges | 36,378 | |
| Number with only one 712-1249 Charge | 27,026 | 74% |
| Total number of offenders with multiple 712-1249 charges | 9,352 | 26% |

| Offenders with multiple 712-1249 charges | | |
|---|--------------------|---------|
| Number of 712-1249 charges | Count of offenders | Charges |
| 2 | 5,932 | 11,864 |
| 3 | 1,827 | 5,481 |
| 4 | 815 | 3,260 |
| 5 | 346 | 1,730 |
| 6 | 184 | 1,104 |

| | | |
|--------------|--------------|---------------|
| 7 | 92 | 644 |
| 8 | 67 | 536 |
| 9 | 36 | 324 |
| 10 | 16 | 160 |
| 11 | 11 | 121 |
| 12 | 5 | 60 |
| 13 | 8 | 104 |
| 14 | 4 | 56 |
| 15 | 4 | 60 |
| 18 | 2 | 36 |
| 20 | 1 | 20 |
| 25 | 1 | 25 |
| 28 | 1 | 28 |
| Total | 9,352 | 25,613 |

| | | |
|----------------------|---|---|
| Data as of 3/1/24 | | |
| 25,602 | Offenders who have convictions for charges other than 712-1249 | |
| 1,220 | 4.8% | Offenders had Felony A convictions |
| 5,050 | 19.7% | Offenders had Felony B convictions |
| 10,789 | 42.1% | Offenders had Felony C convictions |
| 19,180 | 74.9% | Offenders had Misdemeanor convictions |
| 19,072 | 74.5% | Offenders had Petty Misdemeanor convictions |
| 7,339 | 28.7% | Offenders had Violation convictions |

| Offenders with multiple 712-1249 charges | | | |
|--|--------------------|-----------|-----|
| Number of 712-1249 charges | Count of offenders | # Charges | |
| 2 | 5932 | 11864 | |
| 3 | 1827 | 5481 | |
| 4 | 815 | 3260 | |
| 5 | 346 | 1730 | |
| 6 | 184 | 1104 | |
| 7 | 92 | 644 | |
| 8 | 67 | 536 | |
| 9 | 36 | 324 | |
| 10 | 16 | 160 | |
| 11 | 11 | 121 | |
| 12 | 5 | 60 | |
| 13 | 8 | 104 | |
| 14 | 4 | 56 | |
| 15 | 4 | 60 | |
| 18 | 2 | 36 | |
| 20 | 1 | 20 | |
| 25 | 1 | 25 | |
| 28 | 1 | 28 | |
| | | 25613 | |
| Total number of offenders with multiple 712-1249 charges | 9,352 | 2.74 | 26% |
| Total Number of offenders w/712-1249 Charges | 36,378 | | |
| Number with only 1 712-1249 Charge | 27,026 | 74% | |

| 2023 Expungements | | |
|--------------------------|-------|---------------------|
| 1409 | | Total applications |
| 222 | 15.8% | Denied |
| 1187 | 84.2% | Certificates issued |
| 4168 | 2.96 | Charges expunged |

| Of the 1187 certificates issued | | |
|--|-------|----------------------|
| 878 | 74.0% | Full expungements |
| 309 | 26.0% | Partial expungements |

| Breakout of the 4168 charges expunged | | | |
|---------------------------------------|-------|----------|----------------------|
| # of charges | % | Severity | |
| 3 | 0.1% | F | felony (old charges) |
| 102 | 2.4% | FA | felony a |
| 225 | 5.4% | FB | felony b |
| 853 | 20.5% | FC | felony c |
| 18 | 0.4% | IN | infraction |
| 1532 | 36.8% | MD | misdemeanor |
| 1078 | 25.9% | PM | petty misdemeanor |
| 255 | 6.1% | VL | violation |
| 102 | 2.4% | NULL | no severity |



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Legislative
Council
Members**

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Kihei

L. Malu Shizue Miki
Abundant Life
Natural Foods
Hilo

Kim Coco Iwamoto
Enlightened Energy
Honolulu

Chamber of
Sustainable
Commerce
P.O. Box 22394
Honolulu, HI
96823

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

Tuesday, March 12, 2024
10:00 AM, Room 016

RE: **HB1595 HD1** Expunge Decriminalized Offenses - **Strong Support**

Dear Chair Rhoads, Vice-Chair Gabbard and Committee Members,

The Chamber of Sustainable Commerce represents over 100 small businesses across the State that strive for a triple bottom line: people, planet and prosperity; we know Hawaii can strengthen its economy without hurting workers, consumers, communities or the environment.

This is why we are in strong support of HB1595 HD1, which creates a state-initiated process to expunge records of arrests and convictions for offenses related to cannabis in the third degree at no cost to the record holder.

As you know, Hawaii has a worker shortage. Many of our members have a hard time filling positions. Job applicants are discouraged from seeking work because they have arrest and/or convictions for crimes that are no longer crimes. This leads to increasing numbers of individuals living on the streets, not being able to care for their families or pay child support. They may also be barred from certain public housing options, anchoring them to a state of homelessness.

Let's be real about the statistics of the racial background and economic status of those stopped by police for cannabis related offenses; compared to the data that shows cannabis is used by people of all racial backgrounds and all income levels. We must also consider the harsher penalties certain classes of people bear due to the bias of adjudicators and those with discretionary powers.

We must continue to move forward with our efforts to remedy the racial and economic injustices that start, and can be stopped, by our laws. These injustices impact our larger communities and all aspects of society, including commerce, which generates state revenue through general excise taxes and income taxes.



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII

SENATE COMMITTEE ON JUDICIARY

MARCH 12, 2024

HB 1595, HD1, RELATING TO EXPUNGEMENT

POSITION: SUPPORT

The Democratic Party of Hawai'i **supports** HB 1595, HD1, relating to expungement. Pursuant to the "Public Safety and Disaster and Emergency Preparedness" section of the official Democratic Party of Hawai'i platform, the party believes that "public safety laws should be just, equitable and enforced fairly without discrimination. We believe that true justice restores people and communities."

The war on drugs has been found to be destructive and devastating to immigrant, indigenous, and low-income individuals, families, and communities. The same findings were made about the impact of the war on drugs in Hawai'i in the 2010 "The Disparate Treatment of Native Hawaiians in the Criminal Justice System" report from the Office of Hawaiian Affairs, which found that mass incarceration for Hawaiian and other minority groups is significantly worsened by the war on drugs, including the criminalization of cannabis possession. Moreover, numerous studies have demonstrated that the prosecution of cannabis offenses has deprived people of accessing higher education, housing, employment, and individual liberty.

On October 6, 2022, President Joseph Biden pardoned 6,500 people convicted between 1992 and 2021 of federal cannabis possession, as well

as thousands more who were convicted of cannabis possession in the District of Columbia. President Biden also urged governors throughout the country to follow his lead and provide similar legal relief for those who have entered the criminal justice system for cannabis convictions. In response to President Biden's call for states to implement clemency programs for cannabis offenses, in November of 2022, Governor Kate Brown of Oregon announced her intent to pardon over 47,000 Oregonians with low-level cannabis convictions. The Oregon pardon program will eliminate barriers for thousands of people seeking employment, housing, and educational opportunities who would have otherwise been ineligible.

In 2023, Hawai'i lawmakers adopted House Concurrent Resolution 51, which urged Gov. Josh Green to initiate a clemency program for individuals who have been prosecuted for cannabis-related offenses and to seek the assistance of The Last Prisoner Project and Hawaii Innocence Project in implementing the clemency program. The Last Prisoner Project, a leading national nonprofit organization dedicated to cannabis criminal justice reform, has stated that Gov. Josh Green currently has the legal authority to undertake a targeted relief and clemency program for individuals in Hawai'i who have been prosecuted for cannabis-related offenses.

Furthermore, in enacting programs to legalize adult-use recreational cannabis, many states have instituted expungement or other forms of clemency and record clearance for individuals who have been prosecuted for cannabis-related offenses. These initiatives have delivered legal relief for thousands of people, whose civil liberties and financial security have been hampered by cannabis convictions. **Hawai'i should follow their lead and heed President Biden's call for restorative justice.**

Mahalo nui loa,

Kris Coffield

Co-Chair, Legislative Committee

(808) 679-7454

kriscoffield@gmail.com

Abby Simmons

Co-Chair, Legislative Committee

(808) 352-6818

abbyalana808@gmail.com



March 12, 2024

To: Members of the Senate Judiciary

RE: Support HB 1595 (Facilitating cannabis-specific expungements)

From: Paul Armentano, Deputy Director – National Organization for the Reform of Marijuana Laws (NORML): Washington, DC paul@norml.org

Distinguished members of the Committee,

I have worked professionally in the field of marijuana policy for 30 years, and I am currently the Deputy Director of NORML – the National Organization for the Reform of Marijuana Laws, a nationwide advocacy organization based in Washington, DC that represents the interests of responsible adult cannabis consumers.¹

During my professional career, I have authored several books on the topic of cannabis, health, and public safety and my writing is featured in over two dozen academic anthologies. In 2022, I was the lead witness before Congress at the hearing “Developments in State Cannabis Laws and Bipartisan Cannabis Reforms at the Federal Level,”² which was convened by the House Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties. Earlier this year, I authored a report³ documenting the millions of state-initiated, cannabis-related expungements that have occurred nationwide since 2018.

I am providing testimony today in support of House Bill 1595, which expands and improves Hawaii’s cannabis-specific expungement law. Passing this legislation means that thousands of people will no longer be stigmatized and disenfranchised by the collateral consequences of an arrest record for behavior that most residents believe should no longer be a crime.⁴

Under current law, only offenders convicted of possessing fewer than three grams of cannabis may petition the courts for an expungement of their record. This arbitrarily low threshold leaves tens of thousands of people convicted of cannabis possession offenses involving larger personal use amounts unable to obtain legal relief.

Furthermore, the state’s existing expungement law places the burden on those with previous convictions to petition the courts for legal relief. But, as we have learned from other states’ experiences, many people are either unaware of their own criminal record status or are unable to

¹ <https://norml.org/about-norml/staff/>

²

<https://oversightdemocrats.house.gov/legislation/hearings/developments-in-state-cannabis-laws-and-bipartisan-cannabis-reforms-at-the>

³ <https://norml.org/marijuana/fact-sheets/marijuana-pardons-and-expungements-by-the-numbers/>

⁴ https://drive.google.com/file/d/1_3-0VjjsCdD7ogd4xx0cP6cTSkmmkj5/view



navigate the legal process on their own. Some cannot afford to pay the fees necessary to hire legal representation to assist them in this process. Others remain unaware that such a process exists at all.

As a result, the law is underutilized by those who could otherwise benefit from it. In fact, **estimates provided by the administrator to the Hawaii Criminal Justice Data Center maintain that as many as 36,000 additional people could have their records vacated by having the state initiate the expungement process.**⁵

That is why HB 1595 wisely calls for future expungements to be initiated by the courts. **The implementation of similar state-initiated cannabis-expungement policies in other states has resulted in the expungement of over 2 million cannabis-related convictions since 2018,** according to public records compiled by NORML earlier this year.

House members wisely voted to advance HB 1595. No one deserves to have their lives derailed because of a past, low-level cannabis conviction. **Our sense of justice and our principles of fairness demand that the Senate also pass this important legislation.**

###

AUTHOR'S NOTE: *Paul Armentano has nearly three decades of professional experience in cannabis policy. He is the Deputy Director of NORML – The National Organization for the Reform of Marijuana Laws – the nation's oldest and only consumer-oriented cannabis reform advocacy organization.*

*His writing on cannabis and cannabis policy has appeared in over 1,000 publications, scholarly and/or peer-reviewed journals, and in over two dozen textbooks and anthologies. Mr. Armentano is the co-author of the book *Marijuana is Safer: So Why Are We Driving People to Drink?* (2009, 2013: Chelsea Green), which has been licensed and translated internationally. He is also the author of the book *Clinical Applications for Cannabis and Cannabinoids* (2021: National Organization for the Reform of Marijuana Laws), which summarizes over 450 peer-reviewed studies specific to the safety and efficacy of cannabis among different patient populations.*

Mr. Armentano works closely with politicians and regulators to draft and enact cannabis policy reforms, and he is a frequently sought-after speaker on the topic at legal and academic seminars.

*Mr. Armentano was the principal investigator for defense counsel in the federal case *U.S. v Schweder et al.*, one of the first legal cases in decades to challenge the constitutionality of cannabis as a Schedule I controlled substance. He was also an expert in the successful Canadian constitutional challenge, *Allard v Canada*, which preserved qualified patients' right to grow cannabis at home.*

5

<https://www.civilbeat.org/2024/03/thousands-in-hawaii-with-arrest-records-for-marijuana-possession-could-have-them-expunged/>



He is the recipient of the 2013 Alfred R. Lindesmith Award for Achievement in the Field of Scholarship and the 2019 Al Horn Memorial Award in appreciation of advancing the cause of justice.

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gyaindl@gyattorney.com

March 11, 2024

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary
House of Representatives, State of Hawai`i

via: <http://www.capitol.hawaii.gov>

Dear Committee leadership and members,

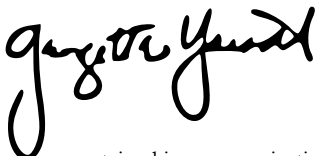
Re: **SUPPORT FOR HB1595 HD1 RELATING TO EXPUNGEMENT,
WITH STRONGER SUPPORT FOR SB2706 SD1 Re: "CLEAN SLATE
EXPUNGEMENT TASK FORCE"**

Hearing Date: Tuesday, March 12, 2024
Time: 10:00 a.m.
Location: Conference Room 016
State Capitol
415 South Beretania Street

I write in support of HD1595 HD1 while also acknowledging the reservations expressed by the Judiciary and Office of the Attorney General in their written comments submitted during House deliberations, including that the administrative actions proposed in the bill are indeed administratively "oppressive", and that the bill does not propose new funding nor account for the AG's loss of \$35/expungement application fee should the process be administered fee-free as proposed in the bill. In lieu, respectfully, it appears the prudent and efficient legislative action this session as concerns the critical issue of collateral consequences of a criminal conviction in the State of Hawai`i is as expressed in SB2706 SD1 proposing to establish the "Clean Slate Expungement Task Force." Please note however, SB2706 SD1 does not presently include provision for appropriated funding nor designate a lead agency. Hopefully, those matters will be addressed by the House and/or conference committee(s).

Thank you for your attention to this issue and attention to my letter. Mahalo.

Sincerely,



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JAPANESE AMERICAN CITIZENS LEAGUE
HONOLULU CHAPTER
P.O. BOX 1291, HONOLULU, HAWAII 96807
EMAIL: jaclhon@gmail.com WEBSITE: www.jaclhonolulu.org
INSTAGRAM: @jaclhonolulu

March 11, 2024

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To: Chair Karl Rhoads and Members of the Senate Committee on Judiciary

From: Minda Yamaga, President, Japanese American Citizens League, Honolulu Chapter

Re: **SUPPORT OF H.B. 1595, RELATING TO EXPUNGEMENT**

Chair Rhoads and Members of the Committee:

The Japanese American Citizens League (JAACL) is the oldest Asian civil rights organization in our country, and we seek to protect and defend the rights of all persons. HB 1595 proposes a state-initiated process to expunge cannabis records. As a civil rights organization, we are acutely aware that the War on Drugs and the criminalization of cannabis have created a racially inequitable criminal legal system that disproportionately impacted people of color, including Native Hawaiians. We strongly believe that every person living with a criminal record who has earned the chance to be in society deserves a fair chance at supporting themselves and their families. The collateral consequences of a criminal record are staggering and often pose an insurmountable barrier to reformed individuals finding housing, employment, education, or even insurance. A criminal record should not lead to a lifetime of poverty, exclusion, and stigma.

Critically, this bill does not expand or alter those already eligible for expungement under the current laws. It simply provides a state-initiated path to expungement for those eligible individuals. This is vitally necessary because national data shows individuals eligible to have their record expunged frequently do not utilize this benefit. The cumbersome process or the cost associated with filing fees are the most often reported barriers. We recognize that individuals without work flexibility and without financial resources are likely disproportionately burdened by the current system.

HB 1595 ensures that individuals who continue to suffer the consequences of a no longer imposed penalty are treated fairly which also assists them in moving on with their lives and getting back to work as productive members of our community.

Signed,

Minda K. Yamaga
President
JAACL Honolulu Chapter

HB-1595-HD-1

Submitted on: 3/11/2024 4:02:58 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------------------------|---------------------------|------------------------|
| TY Cheng | Testifying for Aloha Green Apothecary | Support | Written Testimony Only |

Comments:

Senator Karl Rhoads, Chair of the Senate Committee on Judiciary

Dear Chair Rhoads, Vice Chair Gabard, and members of the Committee

Aloha Green Apothecary supports HB1595 as an important bill to address the failures of previous drug policy. Aloha Green Apothecary is a licensed medical cannabis dispensary located on Oahu. We support the continued decriminalization of cannabis in Hawaii. We believe in the responsible personal use of cannabis by adults without interference from law enforcement. Thank you for the opportunity to testify.

TY Cheng

President



HawaiianEthos

To: Senator Karl Rhoads, Chair of the Senate Judiciary Committee
Senator Mike Gabbard, Vice Chair of the Senate Judiciary Committee
Members of the Senate Judiciary Committee

Fr: Noah Phillips - Hawaiian Ethos

Re: Testimony **In STRONG Support** of **House Bill (HB) 1595**

RELATING TO EXPUNGEMENT Creates 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. Requires the Hawai'i Criminal Justice Data Center to submit biannual reports to the Legislature until all eligible records are expunged.

Dear Chair, Vice-Chair, and Members of the committee:

Hawaiian Ethos **strongly supports HB1595** and the decriminalization and expungement of cannabis related offences as outlined in the bill. As an existing medical cannabis dispensary on Hawai'i Island, we have seen first-hand the benefits that responsible cannabis use can provide to patients. We believe the responsible, personal use of cannabis should not be illegal. As the legal standing of cannabis evolves, the state should make an effort to make right the harms inflicted on individuals and communities that were negatively impacted by the prohibition of cannabis.

Thank you for the opportunity to testify.

Noah Phillips, Esq.
on Behalf of Hawaiian Ethos

Jeffrey Hong
CEO
Techmana LLC



3/11/2024

To: Senator Karl Rhoads, Chair of the Senate Committee on Judiciary

Dear Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee.

My name is Jeff Hong I am the CEO of Techmana LLC. Techmana is a Hawai'i based software development and cybersecurity company. I testify in strong support of **HB1595 HD1**. I have seen the detrimental effects on the failed war on drugs in general and cannabis in particular. I have additional professional perspectives as Board Chair of Hawaiian Ethos a medical cannabis licensee on Hawai'i island and as Chair of the Honolulu Liquor Commission. I testify only in a personal capacity.

State-initiated expungement is vital to addressing the harms of our failed past policies. Under our current liquor laws HRS 281-45, a felony disqualifies an applicant from ownership in any business that serves alcohol; boat, store, bar, club, or restaurant. This prevents a significant slice of our citizens from creating small businesses in our hospitality focused economy. In previous testimony, the law enforcement community raised objections to the complexity and cost to implement expungement. Our State's current IT systems are inadequate to automate the process and the criminal records are inadequately encoded for automation.

Justice delayed is justice denied. This bill is a specific case of the general problem of implementing State-initiated expungement. The systems analysis and IT upgrades will take time to plan and implement. The bulk of the implementation costs can be backloaded. This committee approved SB3335 adult-use cannabis. The generated revenue is an appropriate use of funds to upgrade the expungement process across our criminal justice system.

This bill begins the overdue process of addressing cannabis and other conviction harms that are mitigated with State-initiated expungement. Funding an upgrade to our criminal justice

processes and IT systems is readily available from SB3335. We should not let identifying this initial funding source block adopting sound public policy now.

Mahalo for the opportunity to testify.

Sincerely,

Jeffrey Hong



Dedicated to safe, responsible, humane and effective drug policies since 1993

TESTIMONY IN SUPPORT OF HB 1595, HD 1

TO: Chair Rhoads, Vice Chair Gabbard, & JDC Committee Members

FROM: Nikos Leverenz
DPFH Board President

DATE: March 12, 2024 (10:00 AM)

Drug Policy Forum of Hawai'i (DPFH) **strongly supports** HB 1595, HD 1, which creates a state-initiated process to expunge cannabis-related records of arrests and convictions of “promoting a detrimental drug” in the third degree at no cost to the record holder and requires biannual reports by the Criminal Justice Data Center to the Legislature until all eligible records are expunged.

Decades of cannabis prohibition has created an infrastructure of perennial criminalization. Arrest and convictions of related to cannabis prohibition have a very long shelf life, impacting a person’s ability to obtain housing, employment, and needed support over the course of their lifetime. [As with larger drug law enforcement](#), this disproportionately impacts the Native Hawaiian community.

[According to the state Attorney General’s office](#), there are currently over 50,000 arrests and 10,000 convictions for low-level cannabis offenses. For example, in 1954 Lucille Armstrong, the wife of jazz trumpeter Louis Armstrong, [pled guilty to possession of less than a gram in Honolulu and paid a fine of \\$200](#). Sarah Brady Siff, Targeted Marijuana Law Enforcement in Los Angeles, 1914–1959, 49 Fordham Urb. L.J. 643, 659 (2022). Available at: <https://ir.lawnet.fordham.edu/ulj/vol49/iss3/6>.

[Missouri expunged 100,000 marijuana convictions](#) in 2023.

This bill serves as a modest yet significant step toward more sensible policy approaches related to cannabis in Hawai'i. Ideally, possession of one ounce or less of cannabis shouldn't result in any civil penalty or further action by those in the state’s criminal legal system.

Mahalo for the opportunity to provide testimony.

HB-1595-HD-1

Submitted on: 3/10/2024 7:22:29 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Ezra Levinson | Individual | Support | Written Testimony Only |

Comments:

My name is Ezra Levinson and I am a resident of Kailua. Representatives, I strongly urge you to support HB1595, the Cannabis Expungement Act. Nearly 50,000 people in Hawaii face barriers to education, employment, housing, and financial services as a result of past actions that are no longer considered crimes. The War on Drugs was a failure; why are we still persecuting its victims? This is another simple step toward righting the wrongs of the past and creating stronger, safer communities. Thank you for your consideration.

HB-1595-HD-1

Submitted on: 3/10/2024 8:02:33 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| TK McKenzie | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is TK McKenzie and I live in Kailua, O'ahu. I'm testifying in **strong support** of HB1595, the Cannabis Expungement Act. Nearly 50,000 people in Hawai'i are living with a cannabis possession-related criminal record; that means 50,000 people facing barriers to safe housing, employment, education, and access to financial and credit services. With the Cannabis Expungement Act, we're righting the wrongs of the failed War on Drugs and since Act 273 was passed in 2019 which decriminalized the possession of three grams or less of cannabis, it only makes sense to clear people's records. **Please support HB1595.**

Mahalo for your time and consideration.

HB-1595-HD-1

Submitted on: 3/10/2024 8:50:01 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Greg Puppione | Individual | Support | Written Testimony Only |

Comments:

“Aloha, my name is Greg Puppione and I live in Honolulu. I’m testifying in strong support of HB1595, the Cannabis Expungement Act. Nearly 50,000 people in Hawai’i are living with a cannabis possession-related criminal record; that means 50,000 people facing barriers to safe housing, employment, education, and access to financial and credit services. With the Cannabis Expungement Act, we’re righting the wrongs of the failed War on Drugs and since Act 273 was passed in 2019 which decriminalized the possession of three grams or less of cannabis, it only makes sense to clear people’s records. Please support HB1595. Mahalo for your time and consideration.”

HB-1595-HD-1

Submitted on: 3/10/2024 9:06:44 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| William P Hardrict | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is William Hardrict and I live in Kapolei. I'm testifying in strong support of HB1595, the Cannabis Expungement Act. Nearly 50,000 people in Hawai'i are living with a cannabis possession-related criminal record; that means 50,000 people facing barriers to safe housing, employment, education, and access to financial and credit services. With the Cannabis Expungement Act, we're righting the wrongs of the failed War on Drugs and since Act 273 was passed in 2019 which decriminalized the possession of three grams or less of cannabis, it only makes sense to clear people's records. Please support HB1595. Mahalo for your time and consideration."

HB-1595-HD-1

Submitted on: 3/10/2024 9:16:22 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Marilyn Mick | Individual | Support | Written Testimony Only |

Comments:

Aloha,

I'm testifying in strong support of HB1595, the Cannabis Expungement Act. Nearly 50,000 people in Hawai'i are living with a cannabis possession-related criminal record; that means 50,000 people facing barriers to safe housing, employment, education, and access to financial and credit services. With the Cannabis Expungement Act, we're righting the wrongs of the failed War on Drugs and since Act 273 was passed in 2019 which decriminalized the possession of three grams or less of cannabis, it only makes sense to clear people's records.

Aloha,

I'm testifying in strong support of HB1595, the Cannabis Expungement Act. Nearly 50,000 people in Hawai'i are living with a cannabis possession-related criminal record; that means 50,000 people facing barriers to safe housing, employment, education, and access to financial and credit services. With the Cannabis Expungement Act, we're righting the wrongs of the failed War on Drugs and since Act 273 was passed in 2019 which decriminalized the possession of three grams or less of cannabis, it only makes sense to clear people's records.

Please support HB1595.

Mahalo for your time and consideration.

Marilyn Mick, Honolulu

HB-1595-HD-1

Submitted on: 3/10/2024 11:01:08 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| donn viviani | Individual | Support | Written Testimony Only |

Comments:

I am Donn Viviani, a Kailua resident. I strongly support HB 1595. The punishment should certainly fit the crime, but in this case, the punishment persists as the stigma of a conviction continues to affect the ability of our fellow Hawaii residents to pursue their livelihoods and families well being. This is especially egregious as convictions were biased on race and economics,i.e., who could not afford to pursue justice. thank you

Donn Viviani

HB-1595-HD-1

Submitted on: 3/10/2024 11:10:01 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Tadia Rice | Individual | Support | Written Testimony Only |

Comments:

Aloha from Kailua, Oahu. My name is Muhtadia Rice. I'm testifying in strong support of HB1595 because it will right the wrongs of the failed American War on Drugs. It's unfair that almost 50,000 people in Hawai'i have to endure continued discriminatory practice of punishment resulting from a cannabis possession-related criminal record that leads to barriers to safe housing, employment, education, and access to financial and credit services. When Act 273 was passed in 2019 that decriminalized the possession of three grams or less of cannabis it should have included a Cannabis Expungement Act. Now is the time to adopt it and clear people's records.

Please support HB1595. Mahalo for your time and consideration.

HB-1595-HD-1

Submitted on: 3/10/2024 11:10:03 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Carolyn Eaton | Individual | Support | Written Testimony Only |

Comments:

Aloha, Chair Rhoads, Vice Chair Gabbard and members of the Committee,

My name is Carolyn Eaton and I am a resident of Honolulu. I stand in strong support of this measure to expunge criminal records related to cannabis possession. There are many economic consequences for Hawaii citizens with criminal records related to behavior no longer criminal following the passage of Act 273 in 2019. This State-initiated expungement is the compassionate path forward.

Mahalo for your hard work and attention to a minority in our community which might have been lifted out of this economic hole over 5 years ago.

HB-1595-HD-1

Submitted on: 3/10/2024 12:07:26 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Colleen Rost-Banik | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is Colleen Rost-Banik and I live in Honolulu I'm testifying in strong support of HB1595, the Cannabis Expungement Act. I've taught within the Women's Community Correctional Center the past 6 years and have seen the harmful impacts of people's involvement with the carceral system just because of drug-related arrests.

Nearly 50,000 people in Hawai'i are living with a cannabis possession-related criminal record; that means 50,000 people facing barriers to safe housing, employment, education, and access to financial and credit services. With the Cannabis Expungement Act, we're righting the wrongs of the failed War on Drugs and since Act 273 was passed in 2019 which decriminalized the possession of three grams or less of cannabis, it only makes sense to clear people's records. Please support HB1595. Mahalo for your time and consideration.

Sincerely,
Colleen Rost-Banik

HB-1595-HD-1

Submitted on: 3/10/2024 12:14:35 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| ANDREW ISODA | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is Andrew Isoda and I live in Lahaina, Mau'i. I'm testifying in strong support of HB1595, the Cannabis Expungement Act. Nearly 50,000 people in Hawai'i are living with a cannabis possession-related criminal record; that means 50,000 people facing barriers to safe housing, employment, education, and access to financial and credit services. With the Cannabis Expungement Act, we're righting the wrongs of the failed War on Drugs and since Act 273 was passed in 2019 which decriminalized the possession of three grams or less of cannabis, it only makes sense to clear people's records. Please support HB1595.

Mahalo for your time and consideration

Andrew Isoda

Lahaina, Mau'i

HB-1595-HD-1

Submitted on: 3/10/2024 12:40:43 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Bradford Baang | Individual | Support | Written Testimony Only |

Comments:

PLEASE create an initiated process to expunge records of arrests/convictions for small amounts of cannabis. Despite the fact that possession of small amounts of cannabis have already been decriminalized in Hawai'i, some persons still have prior arrest records or conviction records for related charges that affect their employment and housing options. Its costing tax payers too much \$\$\$\$ in incarceratons and conviction records for manini possession of marijuana.

Mahalo

Brad

HB-1595-HD-1

Submitted on: 3/10/2024 1:10:57 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Valerie Weiss | Individual | Support | Written Testimony Only |

Comments:

Aloha. I am in strong support of this measure. It's past time to take this action. Mahalo.

HB-1595-HD-1

Submitted on: 3/10/2024 1:26:31 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Dana Keawe | Individual | Support | Written Testimony Only |

Comments:

Strongly Support HB1595 HD1

HB-1595-HD-1

Submitted on: 3/10/2024 1:43:42 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Nandita Sharma | Individual | Support | Written Testimony Only |

Comments:

I strongly support this Bill to create a state-initiated process to expunge records of arrests/convictions. Despite the fact that possession of small amounts of cannabis has already been decriminalized in Hawai‘i, some persons still have prior arrest records or conviction records for related charges that affect their employment and housing options. This is unjust and unfair and can be remedied by this Bill. Please support it!

HB-1595-HD-1

Submitted on: 3/10/2024 1:45:20 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Penelope Hazzard | Individual | Support | Written Testimony Only |

Comments:

Our prisons are overcrowded those with simple cannabis possession should have arrest expinged.

HB-1595-HD-1

Submitted on: 3/10/2024 1:46:41 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Greg Misakian | Individual | Oppose | Written Testimony Only |

Comments:

My name is Gregory Misakian and I oppose HB1595 HD1.

HB-1595-HD-1

Submitted on: 3/10/2024 2:18:04 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| pamela burrell | Individual | Support | Written Testimony Only |

Comments:

Aloha members of the House,

Support HB1595 and expunge previous records of arrests/convictions for citizens who were in possession of small amounts of cannabis that has already been decriminalized in Hawai'i. Some persons still have prior arrest records or conviction records for related charges that **affect their employment and housing options.**

Thank you for your consideration,

Pamela Burrell, Kalihiwai, Kaua'i

HB-1595-HD-1

Submitted on: 3/10/2024 2:30:48 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| David Pullman | Individual | Support | Written Testimony Only |

Comments:

Please pass this bill. People who were arrested and not convicted and people convicted of marijuana offenses should not have to live with the consequences of a criminal record. The state should initiate the process because the average person is not aware of, nor can they easily navigate the expungement process.

HB-1595-HD-1

Submitted on: 3/10/2024 2:45:16 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Eliel Starbright | Individual | Support | Written Testimony Only |

Comments:

Cannabis Expungement Act - creates a state-initiated process to expunge records of arrests/convictions. Despite the fact that possession of small amounts of cannabis have already been decriminalized in Hawai‘i, some persons still have prior arrest records or conviction records for related charges that affect their employment and housing options. Eliel Starbright, Kapaa

HB-1595-HD-1

Submitted on: 3/10/2024 2:49:55 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| TOM DIGRAZIA | Individual | Support | Written Testimony Only |

Comments:

Strongly support!

HB-1595-HD-1

Submitted on: 3/10/2024 3:17:41 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Danelle Guion | Individual | Support | Written Testimony Only |

Comments:

Please support HB1595 HD1, Cannabis Expungement Act which creates a state-initiated process to expunge records of arrests/convictions. Despite the fact that possession of small amounts of cannabis have already been decriminalized in Hawai‘i, some persons still have prior arrest records or conviction records for related charges that affect their employment and housing options. Please help our fellow citizens have full participation in society. They have done no harm to others, if this is their only infraction.

Thank you!

HB-1595-HD-1

Submitted on: 3/10/2024 3:29:31 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Judie Hoepner | Individual | Support | Written Testimony Only |

Comments:

I strongly support this bill.

HB-1595-HD-1

Submitted on: 3/10/2024 3:45:11 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------------|---------------------|---------------------------|---------------------------|
| Robert N Mansfield, Jr | Individual | Support | Written Testimony Only |

Comments:

Expunge records of arrests/convictions for possession of small amounts of cannabis.

HB-1595-HD-1

Submitted on: 3/10/2024 3:49:41 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Teresa Landreau | Individual | Support | Written Testimony Only |

Comments:

Misdemeanor possession of marijuana is no more morally wrong than ingestion of alcohol. The lack of adequate public defender and misdemeanor court resources in the past has resulted in many such convictions from plea bargains instead of full adjudication of the true facts. The human costs of having such a criminal record can disqualify Hawaiians from employment and federal resources such as student loans. The human costs are highly disproportionate to the behavior actually involved. Please pass this measure to free individuals from the millstone of such convictions, which now are not even considered a crime in many states.

HB-1595-HD-1

Submitted on: 3/10/2024 3:56:57 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Robert Fontana | Individual | Support | Written Testimony Only |

Comments:

This process to expunge such previous arrest records should already have been done. Once decriminalization of cannabis use was accomplished, all previous convictions should have automatically been expunged. Please pass this bill so that this may happen now.

HB-1595-HD-1

Submitted on: 3/10/2024 4:22:23 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Anita Anderson | Individual | Support | Written Testimony Only |

Comments:

I strongly Support HB1595 to expunge records of arrests/convictions for small amounts of cannabis. These past charges unfairly affect employment and housing options.

Past arrests and convictions for charges that are no longer in violation of laws should be expunged.

Thank you!

HB-1595-HD-1

Submitted on: 3/10/2024 4:55:49 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| irene kloepfer | Individual | Support | Written Testimony Only |

Comments:

People should not have these convictions on their names when marijuana is no longer illegal.
Please pass this bill. Mahalo

HB-1595-HD-1

Submitted on: 3/10/2024 5:19:40 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Georgia L Hoopes | Individual | Support | Written Testimony Only |

Comments:

I strongly support HB 1595 HD1

Mahalo,

Georgia Hoopes, Kalaheo

HB-1595-HD-1

Submitted on: 3/10/2024 6:20:31 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Stephanie Austin | Individual | Support | Written Testimony Only |

Comments:

Please support this bill - too many have a 'record' because of a very minimal infraction!

HB-1595-HD-1

Submitted on: 3/10/2024 8:25:29 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Marcia Kemble | Individual | Support | Written Testimony Only |

Comments:

Please support this common-sense bill. It's not fair that that though possession of small amounts of cannabis has already been decriminalized in Hawai'i, some persons still have prior arrest records or conviction records for related charges that affect their employment and housing options.

HB-1595-HD-1

Submitted on: 3/10/2024 9:03:15 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Tamara Paltin | Individual | Support | Written Testimony Only |

Comments:

Testifying in strong support

Mahalo,

Tamara Paltin

HB-1595-HD-1

Submitted on: 3/10/2024 9:10:42 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Linda L Jenks | Individual | Support | Written Testimony Only |

Comments:

I agree

HB-1595-HD-1

Submitted on: 3/10/2024 9:21:38 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Maki Morinoue | Individual | Support | Written Testimony Only |

Comments:

Aloha

I strongly support [HB 1595 HD1](#).

We must recognize the harm it causes our society. It doesn't allow a path toward rebuilding a better societal structure. There is no incentive to create a peaceful society when the system criminalizes someone who is not a criminal.

It's time to create a state-initiated process to expunge records of arrests/convictions. Even though possession of small amounts of cannabis has already been decriminalized in Hawai'i, some persons still have prior arrest records or conviction records for related charges that affect their employment and housing options. This is a manini issue that causes massive harm.

Please pass this bill.

Mahalo

Maki Morinoue

Holualoa, Hawai'i Island

HB-1595-HD-1

Submitted on: 3/10/2024 9:35:42 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Ramona Hussey | Individual | Support | Written Testimony Only |

Comments:

I support HB1595 HD1 which would expunge arrests and convictions for cannabi users now that we have decriminallized such small amounts. This is just a fairness measure which would not harm anyone, but which would help those folks with minor convictions who are still impacted by those long ago arrests.

HB-1595-HD-1

Submitted on: 3/10/2024 10:15:33 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Shannon Rudolph | Individual | Support | Written Testimony Only |

Comments:

Support

HB-1595-HD-1

Submitted on: 3/10/2024 11:02:49 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Thomas Brandt | Individual | Support | Written Testimony Only |

Comments:

Strong support!

HB-1595-HD-1

Submitted on: 3/10/2024 11:10:48 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Allison Mikuni | Individual | Support | Written Testimony Only |

Comments:

I support this measure to bring our State into alignment with the decriminalization of cannabis.

HB-1595-HD-1

Submitted on: 3/11/2024 4:18:35 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Jean Jewell | Individual | Support | Written Testimony Only |

Comments:

I support this bill.

Jean Jewell

96725

HB-1595-HD-1

Submitted on: 3/11/2024 5:34:41 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Tony Radmilovich | Individual | Support | Written Testimony Only |

Comments:

Please vote yes!

HB-1595-HD-1

Submitted on: 3/11/2024 6:38:32 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Emily Garland | Individual | Support | Written Testimony Only |

Comments:

Please support.

Mahalo,

Emily

HB-1595-HD-1

Submitted on: 3/11/2024 7:31:41 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Rick Gerding | Individual | Support | Written Testimony Only |

Comments:

expunge records of arrests/convictions. Despite the fact that possession of small amounts of cannabis have already been decriminalized in Hawai'i, some persons still have prior arrest records or conviction records for related charges that affect their employment and housing options.

HB-1595-HD-1

Submitted on: 3/11/2024 8:11:18 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Carla Allison | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is Carla Allison and I live in Honolulu. I'm testifying in strong support of HB1595, the Cannabis Expungement Act. Nearly 50,000 family members, friends, and residents in our Hawaii community face barriers to safe housing, employment, education, and access to financial and credit services because they are living with a cannabis possession-related criminal record. With the passing of Act 273 in 2019 decriminalizing the possession of three grams or less of cannabis, it only makes sense to clear people's records and right the wrongs of the failed War on Drugs. Please support HB1595. Mahalo for your time and consideration.

HB-1595-HD-1

Submitted on: 3/11/2024 8:30:47 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Alice Luck | Individual | Support | Written Testimony Only |

Comments:

I am writing in support of this measure because it is past time we address the records those with small cannabis offenses so that they can rebuild their lives. It is the right action to take as the state continues to redefine its position on cannabis.

HB-1595-HD-1

Submitted on: 3/11/2024 9:11:37 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Sherri Thal | Individual | Support | Written Testimony Only |

Comments:

Aloha

I strongly support HB 1595 HD1. Marijuana possession is not a crime. Let's update the laws to reflect this and give people their lives back who have needlessly suffered from the existing laws.

Mahalo,

Sherri Thal, Kea'au, 96749

HB-1595-HD-1

Submitted on: 3/11/2024 9:14:11 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Robert Douglas | Individual | Support | Written Testimony Only |

Comments:

Support

HB-1595-HD-1

Submitted on: 3/11/2024 9:14:35 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Kala Fisher | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is Kala Fisher and I am a student at UH. I support this bill, as criminal records are barriers to employment and housing, and slow the transition back to the community. The people who have these types of drug convictions deserve to have a clean slate and an opportunity to have a proactive role in the community after their incarceration, as empirical data demonstrates that five years after benefitting from record clearance, individuals are actually less likely than members of the general public to engage in criminal conduct. HB 1595 HD1 ensures that individuals who continue to suffer the consequences of a penalty the state changed its mind about enforcing in 2019 are applied evenly so no one is left behind. Thank you for your time and consideration of this testimony and this bill.

HB-1595-HD-1

Submitted on: 3/11/2024 9:23:49 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Nancy Hall | Individual | Support | Written Testimony Only |

Comments:

SUPPORT

HB-1595-HD-1

Submitted on: 3/11/2024 9:43:16 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Julie Stowell | Individual | Support | Written Testimony Only |

Comments:

Asking you to please support the Cannabis Expungement Act HB 1595 HD1. As possession of small amounts of cannabis have been decriminalized in Hawaii, the records of prior arrests/confictions should be expunged.

Thank you,

Julie Stowell

HB-1595-HD-1

Submitted on: 3/11/2024 9:45:24 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| John NAYLOR | Individual | Support | Written Testimony Only |

Comments:

Aloha,

It's 2024 people. It's past time!

JN Makawao

HB-1595-HD-1

Submitted on: 3/11/2024 9:46:51 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Charlotte Head | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is Charlotte Head and I live in Mō‘ili‘ili. I am a 4th year sociology student at UH Mānoa from the Island of Hawai‘i. I’m testifying in strong support of HB1595, the Cannabis Expungement Act. Nearly 50,000 people in Hawai‘i are living with a cannabis possession-related criminal record; that means 50,000 people facing barriers to safe housing, employment, education, and access to financial and credit services. With the Cannabis Expungement Act, we’re righting the wrongs of the failed War on Drugs and since Act 273 was passed in 2019 which decriminalized the possession of three grams or less of cannabis, it only makes sense to clear people’s records. Please support HB1595. Mahalo for your time and consideration.

HB-1595-HD-1

Submitted on: 3/11/2024 9:51:44 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Nanea Lo | Individual | Support | Written Testimony Only |

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom. I live in Mō'ili'ili. I'm writing in STRONG SUPPORT of HB1595 HD1.

me ke aloha 'āina,

Nanea Lo, Mō'ili'ili, O'ahu

HB-1595-HD-1

Submitted on: 3/11/2024 11:26:02 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Regina Gregory | Individual | Support | Written Testimony Only |

Comments:

support

HB-1595-HD-1

Submitted on: 3/11/2024 11:41:11 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Isis Usborne | Individual | Support | Written Testimony Only |

Comments:

I support this measure.

HB-1595-HD-1

Submitted on: 3/11/2024 12:19:09 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|---------------------|---------------------------|---------------------------|
| Janice Palma-Glennie | Individual | Support | Written Testimony Only |

Comments:

aloha,

this bill is long overdue. it will also save our state millions of dollars that can be used to focus on pressing issues, not marijuana use or those who have been arrested because of it. there should be no criminal record for doing something that's not criminal.

mahalo,

janice palma-glennie

kailua-kona

HB-1595-HD-1

Submitted on: 3/11/2024 8:18:12 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|--------------|--------------------|------------------------|
| Elizabeth Winternitz | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is Elizabeth Winternitz and I live in Kula, Maui. I'm testifying in strong support of HB1595, the Cannabis Expungement Act. Nearly 50,000 people in Hawai'i are living with a cannabis possession-related criminal record; that means 50,000 people facing barriers to safe housing, employment, education, and access to financial and credit services. With the Cannabis Expungement Act, we're righting the wrongs of the failed War on Drugs and since Act 273 was passed in 2019 which decriminalized the possession of three grams or less of cannabis, it only makes sense to clear people's records. Please support HB1595.

Mahalo for your time and consideration,

Elizabeth Winternitz

HB-1595-HD-1

Submitted on: 3/12/2024 1:13:14 AM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------------------|---------------------|---------------------------|------------------------|
| Marcella Alohalani Boido | Individual | Support | Written Testimony Only |

Comments:

To all:

I have read the testimony from the hearing on Feb. 2, 2024. I am incorporating the testimony in support here, by reference.

The Judiciary makes the information on expungement available only in English. To my knowledge, there are no translations of it, nor are any interpreter services made available for this process.

Even for native speakers of English, legal procedures are not always easy to understand. Furthermore, it may require time away from work to take the necessary steps. All of these difficulties impact people with records that could and should be expunged. Therefore, the State should take the initiative. These records should be expunged, gratis.

I have seen lives seriously harmed by these charges, even when the charges are dropped for lack of evidence.

Please respond to the testifiers who pointed out obstacles by amending the bill to create a workable and fair process. Then give this bill an effective date for this year.

Thank you.

Marcella Alohalani Boido, M. A.

Hawai'i State Judiciary Certified Spanish Court Interpreter (Tier 4)

Moili'ili, Honolulu, Hawai'i 96826

HB-1595-HD-1

Submitted on: 3/11/2024 8:31:12 PM

Testimony for JDC on 3/12/2024 10:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Emily Sarasa | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Rhoads, Vice Chair Habbard, and honourable members of the Committee on Judiciary,

My name is Emily Sarasa and I am a law student at the William S. Richardson School of Law living in Kaimuki. I'm testifying in **strong support** of HB1595, the Cannabis Expungement Act. Nearly 50,000 people in Hawai'i are living with a cannabis possession-related criminal record; that means 50,000 people facing barriers to safe housing, employment, education, and access to financial and credit services. With the Cannabis Expungement Act, we're righting the wrongs of the failed War on Drugs. Since Act 273 was passed in 2019, which decriminalized the possession of three grams or less of cannabis, it only makes sense to clear people's records. Please **support** HB1595.

Mahalo for your time and consideration,

Emily Sarasa