

STAND. COM. REP. NO.

796

Honolulu, Hawaii

FEB 18 , 2025

RE: H.B. No. 145
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 145 entitled:

"A BILL FOR AN ACT RELATING TO EXPUNGEMENT,"

begs leave to report as follows:

The purpose of this measure is to authorize the Hawaii Criminal Justice Data Center to transmit all expungement orders to the Judiciary to effectuate the purposes of Act 159, Session Laws of Hawaii 2023.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Office of the Public Defender; Community Alliance on Prisons; League of Women Voters of Hawaii; ACLU of Hawai'i; and two individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that Act 159, Session Laws of Hawaii 2023 (Act 159), mandates the automatic sealing or removal of arrest or case information from the Judiciary's publicly accessible databases for individuals with expungement orders, effective by July 1, 2025. However, your Committee finds that the court is currently unable to implement Act 159 because the Hawaii Criminal Justice Data Center lacks the legal authority to release the expungement orders to the Judiciary. This measure would

2025-1287 HB145 HD1 HSCR HMSO



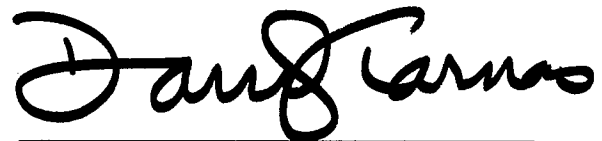
enable the Criminal Justice Data Center and Judiciary to fulfill the mandate under Act 159.

Your Committee has amended this measure by:

- (1) Clarifying that the expungement orders transmitted by the Criminal Justice Data Center to the Judiciary must have a court case number;
- (2) Clarifying the circumstances under which the Judiciary must seal or otherwise remove judiciary files and other information pertaining to the applicable arrest or case of any person for whom an expungement order has been entered and transmitted to the court; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 145, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 145, H.D. 1, and be placed on the calendar for Third Reading.

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

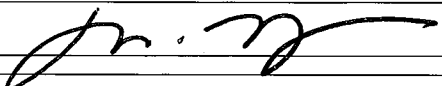


DAVID A. TARNAS, Chair



HSCR 796

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 145	Committee Referral: JHA	Date: 1/30/25		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au	✓			
4. COCHRAN, Elle				✓
5. HASHEM, Mark J.				✓
6. KAHALOA, Kirstin	✓			
7. PERRUSO, Amy A.	✓			
8. TAKAYAMA, Gregg	✓			
9. TODD, Chris	✓			
10. GARCIA, Diamond	✓			
11. SHIMIZU, Garner M.	✓			
TOTAL (11)	9	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				