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## HB NO.132 RELATING TO EXPUNGEMENT

Chair Rhoads, Vice Chair Gabbard, and Committee Members,

The Office of the Public Defender (OPD) **SUPPORTS THIS BILL**

An arrest can jeopardize a person's housing, job prospects, and earning capacity. Long after a person is found not guilty at a trial, a judge dismisses the case, or even after a prosecutor decides not to bring charges at all, the arrest record remains. Employers and landlords hire non-government companies to run background checks on applicants, and when that arrest record comes up, the applicants' chances of getting the job or landing a place to live shrink.

The only way to get the record expunged is through an application process initiated by the arrestee. Because it is not a criminal case, they are not entitled to representation or assistance from the Office of the Public Defender. They are expected to track down data, information, make necessary attachments, and then submit the form to the State. For people with limited assets, access to information, and funds, this is another barrier, and, in some cases, it is insurmountable. This bill takes the logical step of having the expungement process initiated by the State. As the state is in possession of the record, it should be left to the State to expunge the record when cases do not result in a conviction.

We are grateful for the recent collaboration of the Judiciary, the Office of the Attorney General, and legal service providers to assist in hosting two expungement clinics on Oahu in the last several months in Waianae on September 28, 2024, and Waimanalo on January 11, 2025.

According to our records, at the Waianae clinic processed 119 cases, worked with 80 individuals regarding prospective expungement, and submitted 72 of those individuals' cases for expungement. The Waimanalo clinic processed 42 cases, and submitted 41 of those individuals' cases for expungement.

We are certain that there are hundreds of individuals in all districts throughout the state which could benefit from expungement, and continue to lead law abiding lives without the burden of an easily searchable record which would discriminate them from contributing to our community.

JOSH GREEN, M.D.  
GOVERNOR



**STATE OF HAWAII**  
**HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**  
**E HUIKALA A MA'EMA'E NŌ**  
235 S. Beretania Street, 16th Floor  
HONOLULU, HAWAII 96813  
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**MARK PATTERSON**  
CHAIR

**CHRISTIN M. JOHNSON**  
OVERSIGHT COORDINATOR

COMMISSIONERS  
**HON. R. MARK BROWNING (ret.)**

**HON. RONALD IBARRA (ret.)**

**MARTHA TORNEY**

**HON. MICHAEL A. TOWN (ret.)**

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

FROM: Mark Patterson, Chair  
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 132, House Draft 1, Relating to Expungement  
Hearing: Tuesday, March 11, 2025; 9:45 a.m.  
State Capitol, Room 016

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

The Hawaii Correctional System Oversight Commission (HCSOC) **supports** House Bill 132, House Draft 1, Relating to Expungement, which makes an amendment to the Department of the Attorney General pilot project for a state-initiated expungement process of arrest records concerning promoting a detrimental drug in the third degree to include the possession of any schedule V substance in any amount.

Expungement of criminal records allows those impacted to have more and better job opportunities, better education opportunities, more options for housing, and removes the stigma of having a criminal record.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-900-2200 or at [christin.m.johnson@hawaii.gov](mailto:christin.m.johnson@hawaii.gov). Thank you for the opportunity to testify.



Committee: Judiciary  
Hearing Date/Time: Tuesday, March 11, 2025 at 9:45AM  
Place: Conference Room 016 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 132 H.D.1  
Relating to Expungement**

Dear Chair Rhoads, Vice Chair Gabbard and Committee Members:

The ACLU of Hawai'i strongly supports **H.B. 132 H.D. 1** which makes an amendment to the Department of the Attorney General's pilot project for a state-initiated expungement process of arrest records concerning promoting a detrimental drug in the third degree to include the possession of any schedule V substance in any amount.

Taking an incremental approach towards records clearance, in 2024, the Hawai'i Legislature passed HB 1592 (Act 62), creating a pilot project of a state initiated expungement process of arrest records limited to Hawai'i County.

This proposed statute will help to further streamline the state-initiated expungement process under Act 62. HB 132 H.D.1 will make the state-initiated expungement process less laborious by reducing the staff time involved in tracking down supporting data and documents to determine the exact schedule V substance, and instead focus on the charge by statute.

We applaud the Hawai'i Criminal Justice Data Center for implementing Act 64, and supporting this proposed measure to resolve a technical issue they have experienced in trying to expunge criminal records made eligible for relief by Act 62.

By clearing records, people will have greater access to jobs, housing and other life opportunities. Please pass **H.B. 132 H.D. 1**.

Sincerely,

Carrie Ann Shirota  
Policy Director

*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 founded in 1965 that provides its services at no cost to the public and does not accept government funds.*

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# COMMUNITY ALLIANCE ON PRISONS

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*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, March 11, 2025

Room 016 & VIDEOCONFERENCE

9:45 AM

## **STRONG SUPPORT FOR HB 132 HD1 - EXPUNGEMENT PILOT PROJECT**

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 more than two decades. This testimony is respectfully offered on behalf of the 3,723 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation as of March 3, 2025. We are always mindful that 938 - 49.5% - of Hawai'i's male prison population are serving their sentences abroad -- 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.

Mahalo for hearing this bill. Community Alliance on Prisons appreciates this opportunity to share our strong support for HB 132 HD1 that is about expunging arrest records that did not result in a conviction.

The Hawai'i Attorney General SHALL establish and administer a pilot project beginning on the effective date of this ACT and ending on October 1, 2025 for a six state initiated project to expunge certain arrest records relating to the offense under 712-1249, HRS.

We hope the committee supports this measure that will remove the stigma of an arrest that is a barrier to so many people.

Mahalo for the chance to testify!

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<sup>1</sup> DCR Weekly Population Report, March 3, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/02/Pop-Reports-Weekly-2025-03-03-2.pdf>

**HB-132-HD-1**

Submitted on: 3/9/2025 2:17:30 PM

Testimony for JDC on 3/11/2025 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Colleen Rost-Banik	Individual	Support	Written Testimony Only

Comments:

Dear Representatives,

My name is Colleen Rost-Banik, and I am a resident of Honolulu. I also am a Sociology Instructor at the University of Hawaii, Manoa. I ask that you support HB132, which would expunge the arrest records of people who weren't convicted, or for whom their arrest is no longer illegal due to changes in the legal possession of certain amounts of cannabis. People's lives and livelihoods can be interrupted by criminal background records - it is difficult to secure housing and employment when one has something on their criminal background record. Many people do not have the resources (time and money) to apply to have their non-conviction records expunged. Please support HB132, making it easier for people to access employment and housing.

Mahalo for your consideration.

Colleen Rost-Banik, PhD

**LATE**

**HB-132-HD-1**

Submitted on: 3/10/2025 2:43:28 PM

Testimony for JDC on 3/11/2025 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carla Allison	Individual	Support	Written Testimony Only

Comments:

I strongly support HB132.

**LATE**

**HB-132-HD-1**

Submitted on: 3/11/2025 6:15:51 AM

Testimony for JDC on 3/11/2025 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Frank Schultz	Individual	Oppose	Written Testimony Only

Comments:

I support this initiative.