



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:
H.B. NO. 145, RELATING TO EXPUNGEMENT.

BEFORE THE:
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Thursday, January 30, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Philip D. Higdon, Administrator, Hawaii Criminal Justice Data
Center

Chair Tarnas and Members of the Committee:

The Department of the Attorney General supports the intent of this bill with recommendations.

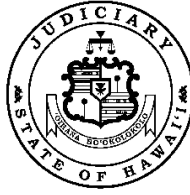
The purpose of this bill is to amend section 831-3.2, Hawaii Revised Statutes (HRS), to require the Hawaii Criminal Justice Data Center (HCJDC) to transmit all expungement orders to the judiciary.

Section 831-3.2, HRS, requires the Judiciary to seal or otherwise remove from the Judiciary's public database all information for which an expungement order listing the court case number has been entered and transmitted to the court. Currently, HCJDC lacks the authority to forward expungement orders to the Judiciary, which hinders the Judiciary's ability to fulfill its obligations under section 831-3.2, HRS.

The Department recommends that the proposed amendment to section 831-3.2(f) in section 2 on page 1, lines 16-17, and page 2, line 1, be revised to state:

"(f) Every expungement order with a case number issued by the attorney general shall be transmitted to the judiciary solely for the purposes of this subsection." Without this clarification, the Judiciary will receive all expungement orders granted by HCJDC, potentially resulting in unnecessary research and additional work for the Judiciary.

The Department appreciates the opportunity to provide comments on this bill.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Thursday, January 30, 2025, 2:00 p.m.

State Capitol, Conference Room 325

By

Jennifer Awong

Staff Attorney, Criminal Administrative Division

Circuit Court of the First Circuit

Bill No. and Title: House Bill No. 145, Relating to Expungement

Purpose: Authorizes the Hawai‘i Criminal Justice Data Center to transmit all expungement orders to the Judiciary to effectuate the purposes of Act 159, SLH 2023.

Judiciary's Position:

The Judiciary provides the following comment on this measure and seeks additional amendments to the bill as outlined below. The Judiciary has worked diligently to reconfigure our Judiciary Information Management System (JIMS) in order to effectuate the provisions of Act 159 (2023). The Judiciary is prepared to implement updates to the program on July 1, 2025, that will seal an entire court case from public view upon the filing of an expungement order issued by the Attorney General.

However, due to the limitations of the JIMS system, the Judiciary is unable to seal only portions of cases while leaving the rest available to the public. Specifically, where the expungement order received from the Attorney General’s office applies to only one (or more), but not all, of either: 1) the charges filed against a particular defendant in a multiple offense case, or 2) the total defendants in the case, JIMS does not have the capacity to seal only those offenses or defendants that are the subject of the order. Therefore, we are respectfully requesting the following amendments to Act 159 to address these limitations:



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"(f) Every expungement order with a court case number issued by the attorney general shall be transmitted to the judiciary solely for the purposes of this section. The court shall seal or otherwise remove from the judiciary's publicly accessible electronic databases all judiciary files and other information pertaining to the applicable arrest or case of any person for whom an expungement order listing the court case number and arrest number associated with the offense has been entered and transmitted to the court[.]; provided that the court's duties under this subsection shall not apply to any case referenced in the expungement order where the person for whom the order has been entered:

- (1) Was charged with multiple offenses at least one of which is not the subject of the order; or
- (2) Is only one of multiple defendants in the case at least one of whom has not been the subject of a prior expungement order.

The court shall make good faith diligent efforts to seal or otherwise remove the applicable files and information within a reasonable time."

Thank you for the opportunity to testify on this measure.

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HB NO.145 RELATING TO EXPUNGEMENT

Chair Tarnas, Vice Chair Poepoe, 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.

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Thursday, January 30, 2025

Room 325 & VIDEOCONFERENCE

2:00 PM

STRONG SUPPORT FOR HB 145 - EXPUNGEMENT

Aloha Chair Tarnas, Vice Chair Poepoe 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 3,717 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on any given day. We are always mindful that 928 - 29% - of Hawai'i's imprisoned male 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.

Community Alliance on Prisons appreciates this opportunity to express our strong support for HB 145 that authorizes the Hawai'i Criminal Justice Data Center to transmit all expungement orders to the Judiciary to effectuate the purposes of Act 159, SLH.

This bill mandates that every expungement order issued by the Attorney General shall be transmitted to the Judiciary to effectuate Act 159.

¹ DCR Weekly Population Report, January 20, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/01/Pop-Reports-Weekly-2025-01-20.pdf>

Community Alliance on Prisons is in strong support of this measure that will make the expungement process more efficient and asks the committee to consider this bill in the interest of justice.

Mahalo for this opportunity to share our thoughts!

HB-145

Submitted on: 1/29/2025 10:04:45 PM

Testimony for JHA on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Tomchak	League of Women Voters	Support	Written Testimony Only

Comments:

Committee on`Judiciary and Hawaiian Affairs

Chair Tornas Vice Chair Poepoe

January 30, 2025, 2:00 and Conference Rm. 325

HB 145 — Expungement

Testimony

Laurie Tomchak, PhD., Legislative Committee, League of Women Voters of Hawaii

Chair Tornas, Vice Chair Poepoe, and Committee Members:

The League of Women Voters of Hawaii supports

HB145 RELATING TO EXPUNGEMENT.

Authorizes the Hawaii Criminal Justice Data Center to transmit all expungement orders to the Judiciary to effectuate the purposes of Act 159, SLH 2023.

The League of Women Voters supports this bill, which implements the provisions of Act 159, SLH 2023, making possible the expunging of criminal records by the Hawaii Criminal Justice Data Center, transmitting them only to the Judiciary . It also expands on the provisions of HB132.

People who have gone through the justice system, been found guilty and served time in correctional facilities or who have been found not guilty but kept an arrest record, exist in a sort of limbo once they try to find work, housing, or education. Expunging their records can give them more of a chance to become productive members of society. Trying to clear their record on their own can be a difficult and costly process, involving lawyers, paperwork and fees. If the records are kept confidential and transmitted to the Judiciary, arrestees have a greater chance of rehabilitation and reintegration.

Thank you for the opportunity to submit testimony,

Laurie Tomchak

HB-145

Submitted on: 1/30/2025 12:24:16 AM

Testimony for JHA on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Ann Shirota	ACLU of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe and Committee Members:

ACLU of Hawai'i supports H.B. 145 Relating to Expungement that authorizes the Hawai'i Criminal Justice Data Center to transmit all expungement orders to the Judiciary to effectuate the purposes of Act 159, SLH 2023.

Mahalo for the opportunity to submit testimony in support of H.B. 145!

HB-145

Submitted on: 1/27/2025 12:01:08 PM

Testimony for JHA on 1/30/2025 2:00:00 PM

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

Comments:

My name is Carla Allison, a 28 year resident of Honolulu, and I strongly support HB145.

HB-145

Submitted on: 1/28/2025 10:36:00 AM

Testimony for JHA on 1/30/2025 2:00:00 PM

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

Comments:

Aloha, Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Carolyn Eaton. I am a resident of Makiki and I strongly support this bill which mandates the Hawai'i Criminal Justice Data Center transmit every expungement order issued by the Department of the Attorney General to the Judiciary, to the purposes of Act 159, SLH.

It is important that transmission of such life-changing information (certain arrest record expungement orders) not be left to chance.

Mahalo for your consideration of HB145 which makes effective expungement in these cases more certain. I appreciate your consideration of my support of this measure.