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**ACT 6**

H.B. NO. 1022

A Bill for an Act Relating to Expungement.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 571-88, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The court may issue an order expunging a juvenile arrest record of a person upon written application by the person or, if the person is a minor, the minor’s parent or guardian; provided the arrest was made pursuant to section 571-11(1) or (2) and the arrest record meets the following criteria:

(1) The matter was not referred to the prosecuting attorney or the family court and ~~the~~;

(A) The person was not counseled and released by the police; or

(B) The person was counseled and released by the police and the person has become an adult;

- (2) or The matter was referred to the prosecuting attorney or family court and:  
(A) The person was not adjudicated responsible by the court; or  
(B) The matter was dismissed with prejudice.”

SECTION 2. Statutory material to be repealed is bracketed and stricken.  
New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 3, 2003.)