

A Bill for an Act Relating to Expungement.

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

SECTION 1. The legislature finds that court records for an arrest or case that has been expunged from a person's record may still be accessed by prospective employers, landlords, lenders, educational institutions, and others. Though expunged, these records can be regarded negatively and have a significant and long-lasting impact on a person's future. The legislature further finds that for a person who has received an expungement order, the current process to have their records and other information pertaining to the arrest or case sealed or removed from the judiciary's publicly accessible electronic database requires yet another petition.

The purpose of this Act is to require the court to automatically seal or remove from the judiciary's publicly accessible databases any information relevant to the arrest or case of a person for whom an expungement order has been entered and transmitted to the court.

The legislature notes that all law enforcement agencies, including the department of the attorney general, sheriff division, county prosecuting attorneys, and county police departments, will continue to have access to information regarding expunged cases, regardless of whether those agencies utilize publicly accessible or other types of electronic databases.

SECTION 2. Section 831-3.2, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

~~“(f) [Any person for whom an expungement order has been entered may request in writing that the]~~ 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 [from the judiciary's publicly accessible electronic databases.] of any person for whom an expungement order listing the court case number has been entered and transmitted to the court. The court shall make good faith diligent efforts to seal or otherwise remove the applicable files and information within a reasonable time.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved June 29, 2023.)