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# A BILL FOR AN ACT

RELATING TO CRIMINAL PROCEDURE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 831, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§831-           Expungement orders; criminal convictions. (a)

5 The circuit court, upon written application from a person  
6 convicted of a crime, shall issue an order to expunge the record  
7 of conviction for that offense if the court finds that:

8           (1) The completion of sentencing or probation for the  
9           offense that the person seeks to have expunged,  
10           whichever is later, occurred no less than five years  
11           prior to the date of application;

12           (2) Within the five years prior to the date of  
13           application, excluding any period of incarceration,  
14           the person has not been convicted of any crime;

15           (3) The offense does not fall under section 853-4;

16           (4) The applicant is not likely to engage again in a  
17           criminal course of conduct; and



1        (5) The ends of justice and the welfare of society do not  
2                    require that the conviction remain on the applicant's  
3                    record.

4        (b) The effect of an expungement order shall be to restore  
5 the person, in the contemplation of the law, to the status the  
6 person occupied before such conviction occurred.

7        (c) No person for whom an expungement order has been  
8 entered shall be held thereafter under any provision of any law  
9 to be guilty of perjury or otherwise giving a false statement by  
10 reason of the person's failure to recite or acknowledge such  
11 conviction in response to any inquiry made of the person for any  
12 purpose.."

13        SECTION 2. Section 831-3.2, Hawaii Revised Statutes, is  
14 amended by amending its title to read as follows:

15        "**§831-3.2 Expungement orders[-]; arrest records.**"

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 Statutory material to be repealed is bracketed  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

18        SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Criminal Procedure; Expungement

**Description:**

Allows for the expungement of convictions, under certain circumstances, for certain offenses that are over 5 years old.  
(HB1756 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

