

Honolulu, Hawaii

Feb 26, 2010

RE: H.B. No. 1756  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1756 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,"

begs leave to report as follows:

The purpose of this bill is to allow for the expungement of convictions for non-violent offenses that are over five years old.

The Office of the Public Defender testified in support of this bill. The Department of the Attorney General, Prosecuting Attorney of the City and County of Honolulu, Maui Police Department, and Hawaii State Coalition Against Domestic Violence opposed this measure.

Your Committee has amended this bill by:

- (1) Requiring a five year waiting period after the completion of sentencing or probation for the offense to be expunged, whichever is later, before an application for expungement may be filed with the court;
- (2) Removing the provision restricting expungement to non-violent offenses;
- (3) Prohibiting the expungement of a conviction for any crime that is not eligible for a deferred acceptance of a guilty plea or nolo contendere plea;



- (4) Requiring that the court determine that the defendant is not likely to engage in a criminal course of conduct before issuing an expungement order;
- (5) Requiring that the court determine that the ends of justice and the welfare of society do not require that the conviction remain on the applicant's record; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1756, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1756, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
\_\_\_\_\_  
JON RIKI KARAMATSU, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: **HB 1756**      Committee Referral: **JUD**      Date: **2/25/10**

The committee is reconsidering its previous decision on the measure.

The recommendation is to:       Pass, unamended (as is)       Pass, with amendments (HD)       Hold  
    Pass short form bill with HD to recommit for future public hearing (recommit)

JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)	✓			
2. ITO, Ken (VC)	✓			
3. BELATTI, Della Au	✓			
4. CABANILLA, Rida	✓			
5. CARROLL, Mele				✓
6. HERKES, Robert N.	✓			
7. LUKE, Sylvia				✓
8. McKELVEY, Angus L.K.	✓			
9. MIZUNO, John M.				✓
10. MORITA, Hermina M.				✓
11. OSHIRO, Blake K.	✓			
12. SOUKI, Joseph M.				✓
13. TSUJI, Cliff	✓			
14. WAKAI, Glenn	✓			
15. MARUMOTO, Barbara C.			✓	
16. THIELEN, Cynthia				✓
TOTAL (16)	9		1	6

The recommendation is:       Adopted       Not Adopted  
If joint referral, \_\_\_\_\_ did not support recommendation.  
Committee acronym(s)

Vice Chair's or designee's signature: \_\_\_\_\_

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