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House Committee on Judiciary and Hawaiian Affairs

Testimony in Support of SB 2706

To Rep. David Tarnas and Members of the Committee:

My name is Jesse Kelley, and I am the Senior Policy Strategist at The Clean Slate Initiative (CSI). CSI is a national nonprofit organization that works alongside state legislatures and administrative agencies to streamline the record clearance process. I offer this testimony on behalf of The Clean Slate Initiative in strong support of SB 2706, which aims to establish the Clean Slate Expungement Task Force to develop a state-initiated record-clearing program.

As of 2019, about 300,000 people in Hawai'i, or 28% of the adult population, have some form of a record. Non-conviction and conviction records can present significant barriers to employment, housing, education, and social reintegration. Clean Slate legislation has proven effective in addressing these challenges by allowing eligible individuals to have their records automatically sealed, giving them a fresh start.

Since 2018, twelve states have enacted Clean Slate laws, and the positive impact on individuals and communities has been substantial. The Clean Slate Initiative worked closely with advocates, directly impacted people, lawmakers, and agencies to pass and implement legislation in states like New York, Colorado, Oklahoma, Delaware, and many more.

The Clean Slate Initiative applauds the proposed creation of a task force to discuss the intricacies of passing legislation providing for a state-initiated record clearance process. By implementing a process that operates at no cost to the record holder, Hawai'i can take a big step to make the state's legal system more fair and just.

We hope a task force can discuss and address various issues, including the operational impact and potential expenses to the Judiciary and the Hawai'i Criminal Justice



Data Center. Additionally, we'd like the task force to address any implementation challenges and work alongside experts, directly impacted people, agencies, and other stakeholders to secure a path forward.

From our work in other states, we know that investing in software, technological updates, and staff are components of Clean Slate legislation, and sometimes states list all of the expenses a state may be required to spend without accounting for the return on investment of building a more diverse and viable workforce. The task force proposed by SB 2706 can address the state's potential broad return on investment.

Through partnering with Code for America in states throughout the country implementing state-initiated record relief laws, we have learned valuable lessons and identified practical solutions that can inform Hawai'i's approach, saving the state time and money. Code for America is a national, non-partisan, non-profit civic technology organization that works with governments to surface and solve implementation challenges before they occur. Its work focuses on shaping policies that allow agencies to identify eligible records using data they can access, marking eligible records in bulk for non-disclosure to the public, and facilitating inter-agency communication about record eligibility and clearance. The organization also develops technical proofs of concepts that demonstrate how technology can be used to overcome common implementation challenges in state-initiated record clearance.

The Clean Slate Initiative urges the House Committee on Judiciary and Hawaiian Affairs to support and pass SB 2706, recognizing its positive impact on the lives of individuals seeking redemption and reintegration into society. We are eager to contribute to the understanding, development, and implementation of a viable and comprehensive law via the proposed task force.

Thank you for your time and consideration. I am available to answer any questions or provide additional information as needed.

Sincerely,

Jesse Kelley

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