



EXECUTIVE CHAMBERS

HONOLULU

April 26, 2006

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. 546

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 2581 SD1

On April 25, 2006, Senate Bill No. 2581, entitled "Relating to the Backlog in Unserved Arrest Warrants" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill seeks to reduce the backlog of unserved arrest warrants by (1) authorizing county police officers and public safety officers with police powers to serve arrest warrants, and (2) requiring the Attorney General to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, through which retired police officers or public safety officers may be authorized to serve arrest warrants.

It should be pointed out that county police officers and public safety officers already have the authority to serve arrest warrants. Hiring retired law enforcement personnel is also currently possible and these rehires could serve arrest warrants if the department that hired them has such authority.

While this bill assigns to the Attorney General responsibility for adopting administrative rules to provide for authorizing retired county police officers and retired State public safety officers to serve certain arrest warrants, it fails to specify which State entity is responsible for administering such a program.

Further, this bill does not appropriate funds to compensate retired officers and to supervise the service of the arrest warrants.

This bill, alone, will not accomplish the goal of reducing the backlog in unserved arrest warrants. It will be incumbent upon the next session of the Legislature to remedy the aforementioned shortcomings of this measure with legislation placing the program under the jurisdiction of an agency, such as the Judiciary, and providing funding commensurate to ensure its purpose is served.

Therefore, I allowed Senate Bill No. 2581 SD1 to become law as Act 28 effective April 25, 2006 without my signature.

Sincerely,



LINDA LINGLE

A BILL FOR AN ACT

RELATING TO THE BACKLOG IN UNSERVED ARREST WARRANTS.

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

1 SECTION 1. Section 803-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§803-1 Arrest; by warrant. (a) No arrest of any person
4 shall be made without first obtaining a warrant or other process
5 therefor from some magistrate, except in the cases provided in
6 this chapter or otherwise provided by law.

7 (b) Arrest warrants may be served by any county police
8 officer or public safety officer with police powers appointed
9 pursuant to section 353C-4.

10 (c) The attorney general shall adopt rules pursuant to
11 chapter 91 by which persons retired from a position described in
12 subsection (b) may be authorized to serve arrest warrants issued
13 due to the defendant's nonappearance, noncompliance with the
14 terms and conditions of sentencing, or for violation of any
15 order entered in a case arising from an offense that is a
16 violation or for which no imprisonment is otherwise authorized."

17 SECTION 2. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval;
2 provided that it shall be repealed on July 1, 2011; provided
3 section 803-1 shall be reenacted in the form in which it read on
4 the day before the effective date of this Act.

GOVERNOR OF THE STATE OF HAWAII

Approved this day: _____



THE SENATE OF THE STATE OF HAWAII

Date: March 7, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



President of the Senate



Clerk of the Senate


**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAII**

Date: April 5, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



Speaker, House of Representatives



Clerk, House of Representatives