
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. Chapter 803, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "S803- Arrest warrants arising from violations; amnesty.

5 If an arrest warrant is issued due to the defendant's
6 nonappearance, noncompliance with the terms and conditions of
7 sentencing, or for violation of any order entered in a case
8 arising from an offense that is a violation or for which no
9 imprisonment is otherwise authorized, the judiciary shall adopt
10 procedures to permit:

- 11 (1) A defendant to surrender to a county police department
12 or the department of public safety without arrest;
13 (2) The warrant to be recalled;
14 (3) The bail to be set aside; and
15 (4) Any contempt of court case arising from the act or
16 omission giving rise to issue of the warrant to be
17 dismissed.



1 The judiciary shall also adopt procedures to either dismiss
2 the defendant's case or expeditiously reassign a new court date
3 for the underlying offense or offenses and allow the defendant
4 to be released to appear on the defendant's own recognizance."

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

7 "**§803-1 Arrest; by warrant.** (a) No arrest of any person
8 shall be made without first obtaining a warrant or other process
9 therefor from some magistrate, except in the cases provided in
10 this chapter or otherwise provided by law.

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

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

21 SECTION 3. The judiciary shall submit a report to the
22 legislature not later than twenty days prior to the convening of



S.B. NO. 2581

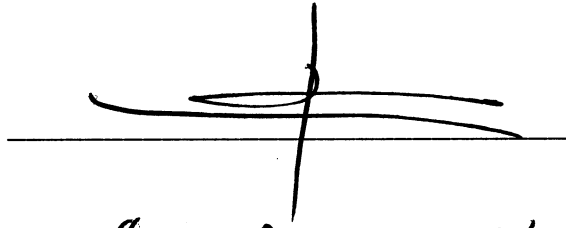
1 the 2007 regular session on its actions taken pursuant to this
2 Act.

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect upon its approval;
5 provided that section 1 shall be repealed on July 1, 2008.

6

INTRODUCED BY:



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Report Title:

Arrest Warrants; Amnesty; Service

SB 2581

Description:

Requires the judiciary to adopt procedures to reduce backlog of unserved arrest warrants by: (1) establishing amnesty program by which persons charged with an offense for which fines, but no imprisonment, are authorized and for whom an arrest warrant was issued may surrender without being arrested or having to post bail; and (2) authorizing service of warrants by retired police and public safety officers.

