



GOV. MSG. NO. 737

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 22, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 22, 2008, the following bill was signed into law:

SB2784 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO THE POWER OF
ARREST.
(ACT 95)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO THE POWER OF ARREST.

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 "§803- United States marshal or deputy United States

5 marshal; arrest powers. A United States marshal or deputy

6 United States marshal, without a warrant, may arrest a person

7 if:

8 (1) The marshal or deputy marshal is on duty;

9 (2) One or more of the following situations exists:

10 (A) The person commits an assault or other crime

11 involving physical harm, defined and punishable

12 under chapter 707, against the marshal or deputy

13 marshal or against any other person in the

14 presence of the marshal or deputy marshal;

15 (B) The marshal or deputy marshal has probable cause

16 to believe that a crime as provided in

17 subparagraph (A) has been committed and has



1 probable cause to believe that the person to be
2 arrested has committed the crime; or

3 (C) The marshal or deputy marshal has received
4 information by written, telegraphic, telephonic,
5 radio, or other authoritative source that a law
6 enforcement officer holds a warrant for the
7 person's arrest;

8 and

9 (3) The head of the Hawaii district office for the United
10 States Marshal Service certifies to the State that the
11 marshal or deputy marshal has received proper training
12 within the agency to enable that officer to enforce or
13 administer this section."

14 SECTION 2. Section 803-16, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[\{]\\$803-16[\}] **Officer of United States Customs and Border**
17 Protection Service or Citizenship and Immigration [and
18 ~~Naturalization Service,~~] **Services; arrest powers.** An officer of
19 the United States Customs and Border Protection Service [and] or
20 the Citizenship and Immigration [and ~~Naturalization Service~~
21 ~~may,~~] Services, without a warrant, may arrest a person if:

22 (1) The officer is on duty;



- 1 (2) One or more of the following situations exists:
- 2 (A) The person commits an assault or other crime
- 3 involving physical harm, defined and punishable
- 4 under chapter 707, against the officer or against
- 5 any other person in the presence of the officer;
- 6 (B) The person commits an offense against public
- 7 order, defined and punishable under chapter 711,
- 8 in the presence of the officer;
- 9 (C) The officer has probable cause to believe that a
- 10 crime as [~~defined~~] provided in subparagraph (A)
- 11 or (B) has been committed and has probable cause
- 12 to believe that the person to be arrested has
- 13 committed the crime;
- 14 (D) The officer has probable cause to believe that a
- 15 felony has been committed and probable cause to
- 16 believe that the person to be arrested has
- 17 committed the felony; or
- 18 (E) The officer has received information by written,
- 19 telegraphic, teletypic, telephonic, radio, or
- 20 other authoritative source that a law enforcement
- 21 officer holds a warrant for the person's arrest;
- 22 [and]



1 and
2 (3) The [~~Regional Commissioner~~] Director of the Hawaii
3 district office for the Customs and Border Protection
4 Service, or the [~~Regional Commissioner of~~] Citizenship
5 and Immigration [~~and Naturalization,~~] Services, as the
6 case may be, [~~for the district of Hawaii~~] certifies to
7 the State that the officer has received proper
8 training within the agency to enable that officer to
9 enforce or administer this section."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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



1 and

2 (3) The [~~Regional Commissioner~~] Director of the Hawaii

3 district office for the Customs and Border Protection

4 Service, or the [~~Regional Commissioner of~~] Citizenship

5 and Immigration [~~and Naturalization,~~] Services, as the

6 case may be, [~~for the district of Hawaii~~] certifies to

7 the State that the officer has received proper

8 training within the agency to enable that officer to

9 enforce or administer this section."

10 SECTION 3. Statutory material to be repealed is bracketed

11 and stricken. New statutory material is underscored.

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

APPROVED this 22 day of MAY, 2008



GOVERNOR OF THE STATE OF HAWAII

