

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO CRIMINAL PROCEDURE.

**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) Except for grand jury bench warrants issued in class A  
11 and class B felony cases, all arrest warrants shall expire five  
12 years after the date of issuance. Prior to the expiration date,  
13 a court of competent jurisdiction may extend, for good cause  
14 shown, the time within which the warrant shall expire. For  
15 purposes of this section, "good cause" shall include, but not be  
16 limited to, reasonable and diligent efforts to locate the  
17 defendant and serve the warrant.



1           [~~(e)~~] (d) The attorney general shall adopt rules pursuant  
2 to chapter 91 by which persons retired from a position described  
3 in subsection (b) may be authorized to serve arrest warrants  
4 issued due to the defendant's nonappearance, noncompliance with  
5 the terms and conditions of sentencing, or for violation of any  
6 order entered in a case arising from an offense that is a  
7 violation or for which no imprisonment is otherwise authorized."

8           SECTION 2. This Act shall apply to warrants issued prior  
9 to its effective date; provided that the five year period within  
10 which those warrants must be served shall run from the effective  
11 date of this Act.

12           SECTION 3. New statutory material is underscored.

13           SECTION 4. This Act shall take effect upon its approval;  
14 provided that the amendments made to section 803-1, Hawaii  
15 Revised Statutes, by this Act shall not be repealed when Act 28,  
16 Session Laws of Hawaii 2006, is repealed.

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INTRODUCED BY:           Cynthia Hill

**Report Title:**

Arrest Warrants; Expiration

**Description:**

Provides that bench warrants, with the exception of grand jury bench warrants in class A and B felony cases, shall expire 5 years after issuance. Provides for extension of expiration period on good cause shown. Warrants issued prior to effective date of Act to be valid for 5 years from effective date.

