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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 warrants issued in felony cases, domestic  
11 violence cases, and by the hawaii paroling authority, all  
12 warrants shall expire five years after the date of issuance.  
13 Prior to the expiration date, a court of competent jurisdiction  
14 may extend, for good cause shown, the time within which the  
15 warrant shall expire. For purposes of this section, "good  
16 cause" shall include, but not be limited to, reasonable and  
17 diligent efforts to locate the 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15 Revised Statutes, by this Act shall not be repealed when Act 28,  
16 Session Laws of Hawaii 2006, is repealed.

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**Report Title:**

Arrest Warrants; Expiration

**Description:**

Provides that warrants, with the exception of warrants issued in felony cases, domestic violence cases, and by the hawaii paroling authority, 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.

