

PROPOSED

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

S.B. NO. 95E
S.D. 2

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 ten 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. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$, or so
10 much thereof as may be necessary for fiscal year 2007-2008, and
11 the same sum, or so much thereof as may be necessary for fiscal
12 year 2008-2009, to fund additional sheriffs' positions,
13 including salaries and the purchase of necessary vehicles,
14 dedicated to the exclusive purpose of the service and execution
15 of warrants.

16 The sums appropriated shall be expended by the department
17 of public safety for the purposes of this Act.

18 SECTION 3. This Act shall apply to warrants issued prior
19 to its effective date; provided that the ten year period within
20 which those warrants must be served shall run from the effective
21 date of this Act.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval;
4 provided that section 2 of this Act shall take effect on July 1,
5 2007; and provided further that the amendments made to section
6 803-1, Hawaii Revised Statutes, by this Act shall not be
7 repealed when Act 28, Session Laws of Hawaii 2006, is repealed.



PROPOSED

S.B. NO. 959
S.C. 1

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 10 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 10 years from effective date. Appropriates funds for additional sheriff positions and vehicles. (SD2)

