

Honolulu, Hawaii

Ajil , 2008

RE: S.B. No. 2784
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2784, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE POWER OF ARREST,"

begs leave to report as follows:

The purpose of this bill is to expand the powers of United States marshals and deputy marshals by authorizing them to make arrests without warrants under specific circumstances. Currently, state law grants these powers to federal customs and immigration officers.

This bill allows an on-duty marshal or deputy marshal to arrest a person who:

- (1) Commits an assault or other crime involving physical harm in the presence of the marshal or deputy marshal;
- (2) The marshal or deputy marshal has probable cause to believe committed an assault or other crime involving physical harm; or
- (3) The marshal or deputy marshal has been informed is the subject of an arrest warrant.



This bill also updates references to the U.S. Customs Service and Immigration and Naturalization Service to reflect their new designations within the federal Department of Homeland Security.

An individual testified in support of this bill. The American Civil Liberties Union of Hawaii opposed this measure.

Your Committee has amended this bill by:

- (1) Changing the effective date to January 1, 2112, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments to correct drafting errors.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2784, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2784, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


TOMMY WATERS Chair



