

STAND. COM. REP. NO.

2663

Honolulu, Hawaii

FEB 29 2008

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

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

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

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

begs leave to report as follows:

The purpose of this measure is to extend to United States marshals and deputies some of the powers to make arrests without warrants that are currently granted under state law to federal customs officers and federal immigration officers.

Specifically, this measure gives a marshal or deputy marshal the power to arrest either a person whom the marshal or deputy marshal has probable cause to believe committed an assault or other crime involving physical harm in the presence of the marshal or deputy marshal or a person whom the marshal or deputy marshal has been informed is the subject of an arrest warrant.

Additionally, this measure amends the law that grants customs and immigration officers the powers of arrest by updating the names of the federal agencies.

Testimony in support of the measure was received from the Department of the Attorney General.

Your Committee finds that this measure will not give a marshal or deputy marshal the same range of powers currently granted to customs and immigration officers. Specifically, this measure limits the marshal's or deputy marshal's power of arrest

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to cases involving crimes of murder and physical assaults committed or being committed in their presence, and when they have authoritative information that the person is the subject of an arrest warrant.

Your Committee has amended this measure by making technical nonsubstantive amendments for the purposes of style and clarity.

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

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



BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2784	Committee Referral: JDL	Date: 2-12-08
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The committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes