

STAND. COM. REP. NO.

104

Honolulu, Hawaii

FEB 09 2007

RE: S.B. No. 52

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Public Safety, to which was referred S.B. No. 52 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 make better use of our federal law enforcement resources.

Specifically, this measure extends the power to arrest under Hawaii law to include agents of the Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms and Explosives; United States Secret Service; and United States Marshal Service. This measure provides for the continuation of the authority to arrest of agents in the Customs Service and the Citizenship and Immigration Service. Additionally, by eliminating the specific mention of the "Immigration and Naturalization Service," this measure will also reflect the reorganization of the federal immigration and naturalization agency, currently referred to as the United States Citizenship and Immigration Service under the Department of Homeland Security.

The Department of the Attorney General and one individual submitted testimony in support of this measure.

Your Committee finds that granting the power to arrest under state law to these federal agents who are trained in law enforcement, the Legislature will not only aid the federal agencies in conducting their investigations, but will also make

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better use of our federal resources in combating crime. Federal agents often come into contact with state fugitives or witness criminal activities while carrying out their duties. However, they frequently do nothing to pursue the state criminal because of concern that they lack authority and could be held liable.

Your Committee further finds that extending the power to arrest under state law to these additional federal agencies, would in no way diminish the authority of our state law enforcement agencies, rather one hundred fifty agents would be added to the law enforcement presence in our communities.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 52 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,

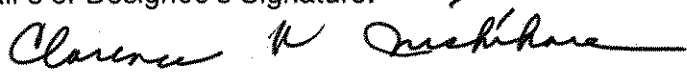


WILL ESPERO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
 Committee on Public Safety
 PBS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 52	PBS, JDL	2/6/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
SAKAMOTO, Norman				✓
WHALEN, Paul	✓			
TOTAL	3			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Clerk's Office	Drafting Agency		

*Only one measure per Record of Votes