
A BILL FOR AN ACT

RELATING TO THE POWER OF ARREST.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 803-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§803-16 Officer of United States Customs and Border**
4 **Protection Service [~~or Citizenship and Immigration Services~~];**

5 **arrest powers.** An officer of the United States Customs and
6 Border Protection Service [~~or the Citizenship and Immigration~~
7 ~~Services~~], without a warrant, may arrest a person if:

8 (1) The officer is on duty;

9 (2) One or more of the following situations exists:

10 (A) The person commits an assault or other crime
11 involving physical harm, defined and punishable
12 under chapter 707, against the officer or against
13 any other person in the presence of the officer;

14 (B) The person commits an offense against public
15 order, defined and punishable under chapter 711,
16 in the presence of the officer;

17 (C) The officer has probable cause to believe that a
18 crime as provided in subparagraph (A) or (B) has

1 been committed and has probable cause to believe
2 that the person to be arrested has committed the
3 crime;

4 (D) The officer has probable cause to believe that a
5 felony has been committed and probable cause to
6 believe that the person to be arrested has
7 committed the felony; or

8 (E) The officer has received information by written,
9 telegraphic, teletypic, telephonic, radio, or
10 other authoritative source that a law enforcement
11 officer holds a warrant for the person's arrest;
12 and

13 (3) The Director of the Hawaii district office for the
14 United States Customs and Border Protection Service [~~7~~
15 ~~or the Citizenship and Immigration Services, as the~~
16 ~~ease may be,~~] certifies to the State that the officer
17 has received proper training within the agency to
18 enable that officer to enforce or administer this
19 section."

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 3. This Act shall take effect on July 1, 2050.

Report Title:

Power of Arrest; Federal Officers

Description:

Authorizes only officers of the United States Customs and Border Protection Service agency to make arrests without a warrant.
(SD1)