

STAND. COM. REP. NO.

511

Honolulu, Hawaii

MAR 05 2009

RE: S.B. No. 15  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 15 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 update references to federal agencies that have warrantless search powers.

Your Committee notes that there are three federal agencies that could potentially be invested with possible warrantless search powers; United States Customs and Border Protection; United States Citizenship and Immigration Services; and United States Immigration and Customs Enforcement.

According to official websites, the United States Immigration and Customs Enforcement has jurisdiction over a range of federal criminal offenses. The United States Citizenship and Immigration Services oversees lawful immigration to the United States while ensuring no one is admitted who is a threat to public safety. The United States Customs and Border Protection deals with terrorists, enforces immigration and drug laws, and protects trade and travel.

Your Committee has amended this measure by:

- (1) Allowing only officers of the United States Customs and Border Protection Service agency to make arrests without a warrant and removing references to the Citizenship and Immigration Services agency;

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- (2) Correcting the reference to the United States Customs and Border Protection agency; and
- (3) Changing the effective date to July 1, 2050 to continue discussions.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 15, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 15, S.D. 1.

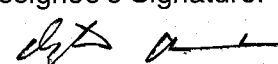
Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,

  
BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 15	TIA, JGO	2/27/09		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam	✓			
<b>TOTAL</b>	4	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes