

JAN 27 2010

S.B. NO. 2911

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 Federal Bureau of
4 Investigation, Immigration and Customs Enforcement, Customs and
5 Border Protection Service, or Citizenship and Immigration
6 Services; arrest powers. An officer of the United States
7 Federal Bureau of Investigation, Immigration and Customs
8 Enforcement, Customs and Border Protection Service, or [the]
9 Citizenship and Immigration Services, without a warrant, may
10 arrest a person if:

11 (1) The officer is on duty;

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

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



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

4 (C) The officer has probable cause to believe that a
5 crime as provided in subparagraph (A) or (B) has
6 been committed and has probable cause to believe
7 that the person to be arrested has committed the
8 crime;

9 (D) The officer has probable cause to believe that a
10 felony has been committed and probable cause to
11 believe that the person to be arrested has
12 committed the felony; or

13 (E) The officer has received information by written,
14 telegraphic, teletypic, telephonic, radio, or
15 other authoritative source that a law enforcement
16 officer holds a warrant for the person's arrest;
17 and

18 (3) The [~~Director of the Hawaii district office for~~]:

19 (A) Special-Agent-in-Charge, Honolulu Division,
20 Federal Bureau of Investigation;

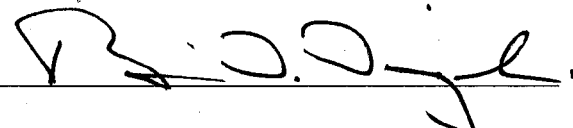
21 (B) Special Agent in Charge,
22 Honolulu/Guam/Commonwealth of the Northern



1 Marianas Division, Immigration and Customs
2 Enforcement;
3 (C) Port Director, area port of Honolulu, of the
4 Customs and Border Protection Service~~[7]~~; or
5 ~~[the]~~
6 (D) District Director, District 26, Citizenship and
7 Immigration Services,
8 as the case may be, or other authorized representative,
9 certifies to the State that the officer has received
10 proper training within the agency to enable that officer
11 to ~~[enforce or administer]~~ make arrests as provided in
12 this section."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

16 INTRODUCED BY: 

Report Title:

Power of Arrest; Federal Officers

Description:

Updates references to customs and border protection service, and citizenship and immigration services to reflect current names of agencies within the federal department of homeland security. Adds the federal bureau of investigations to the list of federal agencies whose officers may make arrests for certain offenses under State law.

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