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# 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 the Federal Bureau of Investigation,**  
4 **Immigration and Customs Enforcement, United States Customs and**  
5 **Border Protection Service, or United States Citizenship and**  
6 **Immigration Services; arrest powers.** An officer of the [~~United~~  
7 ~~States~~] Federal Bureau of Investigation, Immigration and Customs  
8 Enforcement, United States Customs and Border Protection  
9 Service, or [~~the~~] United States Citizenship and Immigration  
10 Services, without a warrant, may 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                   United States Customs and Border Protection  
5                   Service~~[r]~~; or ~~[the]~~  
6           (D) District director, District 26, United States  
7                   Citizenship and 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

**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, immigration and customs enforcement to the list of federal agencies whose officers may make arrests for certain offenses under state law. (SD1)

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