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

10           (1) The officer is on duty;

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

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

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



- 1 (C) The officer has probable cause to believe that a  
2 crime as provided in subparagraph (A) or (B) has  
3 been committed and has probable cause to believe  
4 that the person to be arrested has committed the  
5 crime;
- 6 (D) The officer has probable cause to believe that a  
7 felony has been committed and probable cause to  
8 believe that the person to be arrested has  
9 committed the felony; or
- 10 (E) The officer has received information by written,  
11 telegraphic, teletypic, telephonic, radio, or  
12 other authoritative source that a law enforcement  
13 officer holds a warrant for the person's arrest;  
14 and
- 15 (3) The [~~Director of the Hawaii district office for~~  
16 Special-agent-in-charge, Honolulu Division, Federal  
17 Bureau of Investigation, or the Port director, area  
18 port of Honolulu, of the United States Customs and  
19 Border Protection Service, [~~or the Citizenship and~~  
20 Immigration Services,] as the case may be, certifies  
21 to the State that the officer has received proper  
22 training within the agency to enable that officer to



1           ~~[enforce or administer]~~ make arrests as provided in  
2           this section~~[-]~~;  
3   provided that no evidence obtained as a result of an arrest  
4   pursuant to this section without a warrant shall be admissible  
5   in judicial proceedings in state court."

6           SECTION 2. Statutory material to be repealed is bracketed  
7   and stricken. New statutory material is underscored.

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



**Report Title:**

Power of Arrest; Federal Officers

**Description:**

Updates references to customs and border protection service to reflect current names of agencies within the federal department of homeland security. Adds the federal bureau of investigations to and deletes the citizenship and immigration services from the list of federal agencies whose officers may make arrests for certain offenses under state law. Prohibits admission of evidence in state courts from warrantless arrest. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

