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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 United States Immigration and Customs Enforcement, or United  
5 States Customs and Border Protection Service [~~or Citizenship and~~  
6 ~~Immigration Services~~]; arrest powers. An officer of the Federal  
7 Bureau of Investigation, United States Immigration and Customs  
8 Enforcement, or United States Customs and Border Protection  
9 Service [~~or the Citizenship and Immigration Services~~], without a  
10 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 the]  
19 special agent in charge of the Honolulu Division of  
20 the Federal Bureau of Investigation; the special agent  
21 in charge of the Honolulu/Guam/Commonwealth of the  
22 Northern Marianas Division of Immigration and Customs



1           Enforcement; or the port director of the area port of  
2           Honolulu of the United States Customs and Border  
3           Protection Service [~~, or the Citizenship and~~  
4           ~~Immigration Services,~~]; as the case may be, or other  
5           authorized representative, certifies to the State that  
6           the officer has received proper training within the  
7           agency to enable that officer to [~~enforce or~~  
8           ~~administer~~] make arrests as provided in this section."

9           SECTION 2. Statutory material to be repealed is bracketed  
10          and stricken. New statutory material is underscored.

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

12



**Report Title:**

Power of Arrest; Federal Officers

**Description:**

Adds the federal bureau of investigation and the United States immigration and customs enforcement to the list of federal agencies whose officers may make arrests for certain offenses under state law. Removes the citizenship and immigration services from the list. Adds proper titles of the heads of the district offices for the listed federal agencies. (SD1)

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