

JAN 21 2011

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

- 12 (1) The officer is on duty;
- 13 (2) One or more of the following situations exists:
- 14 (A) The person commits an assault or other crime
15 involving physical harm, defined and punishable
16 under chapter 707, against the officer or against
17 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, United States
20 Immigration and Customs Enforcement;
 - 21 (B) Special-agent-in-charge, Honolulu Division,
22 Federal Bureau of Investigation; or

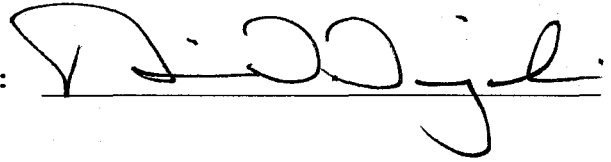


1 (C) Port director, area port of Honolulu, of the
2 United States Customs and Border Protection
3 [~~Service, or the Citizenship and Immigration~~
4 ~~Services~~], as the case may be,
5 certifies to the State that the officer has received
6 proper training within the agency to enable that
7 officer to [~~enforce or administer~~] make arrests as
8 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
INTRODUCED BY:





Report Title:

Power of Arrest; Federal Officers

Description:

Amends the list of federal agencies whose officers may make arrests for certain offenses under state law. Updates statutory references to reflect current names of federal agencies.

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

