

STAND. COM. REP. NO.

905

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 1008
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and Military Affairs, to which was referred H.B. No. 1008, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE POWER OF ARREST,"

begs leave to report as follows:

The purpose and intent of this measure is to add the Federal Bureau of Investigation and United States Immigration and Customs Enforcement to, and delete Citizenship and Immigration Services from, the list of federal agencies whose officers may make arrests for certain offenses under state law. This measure also adds the proper titles of the heads of the district offices for those federal agencies.

Your Committee received testimony in support of this measure from the Department of the Attorney General. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Police Department and American Civil Liberties Union of Hawai'i.

Testimony on this measure indicates that the United States Immigration and Customs Enforcement is the largest investigative branch of the Department of Homeland Security, and its special agents and officers are law enforcement officers who are authorized to carry weapons and make arrests.



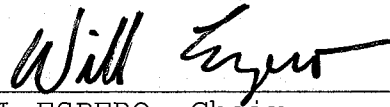
Your Committee finds that the United States Immigration and Customs Enforcement and Federal Bureau of Investigation will be able to provide much needed support to state and county law enforcement efforts.

Your Committee has amended this measure by replacing its contents with those in S.B. No. 1235, a substantively similar measure which amends H.B. No. 1008, H.D. 2, by:

- (1) Deleting the provision prohibiting evidence obtained as a result of arrest without a warrant from being admissible in judicial proceedings in a state court; and
- (2) Making the measure effective upon approval.

As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1008, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1008, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Government Operations, and
Military Affairs,




WILL ESPERO, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1008, HD2	PGM, JDL	3-22-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.	/			
RYAN, Pohai		/		
SLOM, Sam				/
TOTAL	3	1	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes