

Honolulu, Hawaii

FEB 16 2012

RE: S.B. No. 2728

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and Military Affairs, to which was referred S.B. No. 2728 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 authorize officers of the Federal Bureau of Investigation and the United States Immigration and Customs Enforcement to make arrests without a warrant and repealing the authorization to officers of Citizenship and Immigration Services to make arrests without a warrant.

Your Committee received testimony in support of this measure from the State Attorney General. Testimony in opposition was received from the American Civil Liberties Union of Hawai'i and one individual.

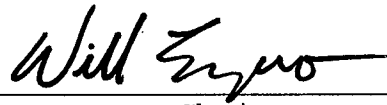
Your Committee finds that the authorization of arrest powers under state law will allow Federal Bureau of Investigation and the United States Immigration and Customs Enforcement officers to make arrests under limited circumstances under state law, and thereby provide support to state and county law enforcement efforts. The State and county must rely on federal law enforcement cooperation and support for natural disasters, joint law enforcement task force efforts, and major or national events. This measure aligns state law with the federally granted enforcement authority of Federal Bureau of Investigation and United States Immigration and Customs officers and corrects state law regarding Citizenship and



Immigration Services officers, who do not have the authority to make arrests under federal law.

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 S.B. No. 2728 and recommends that it pass Second Reading 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



