
A BILL FOR AN ACT

RELATING TO ARRESTS.

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 United States Customs and Border**
4 **Protection Service, Federal Protective Service, or Citizenship**
5 **and Immigration Services; arrest powers.** (a) An officer of the
6 United States Customs and Border Protection Service, Federal
7 Protective Service, or the Citizenship and Immigration Services,
8 without a warrant, may arrest a person if:

9 (1) The officer is on duty;

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

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

15 (B) The person commits an offense against public
16 order, defined and punishable under chapter 711,
17 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 (b) An officer of the Federal Protective Service, without
16 a warrant, may arrest a person if the officer is on duty and has
17 probable cause to believe that a violation of the Hawaii Penal
18 Code, defined and punishable under title 37, has been committed
19 and probable cause to believe that the person to be arrested has
20 committed the violation on or against federal property owned or
21 possessed by the United States government and persons thereon,
22 or any street, sidewalk, or property adjacent thereto.



1 [~~(3)~~] (c) The Director of the Hawaii district office for
2 the Customs and Border Protection Service, Federal Protective
3 Service, or the Citizenship and Immigration Services, as the
4 case may be, [~~certifies~~] shall certify to the State that the
5 officer has received proper training within the agency to enable
6 that officer to enforce or administer this section."

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 Statutory material to be repealed is bracketed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

9 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Arrests; Federal Protective Service

Description:

Authorizes Federal Protective Service officers to arrest a person for an offense under the Hawaii Penal Code without a warrant under specified conditions. Effective July 1, 2050.
(HB1114 HD1)

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