

JAN 24 2013

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. Chapter 803, Hawaii Revised Statutes, is
2 amended by adding a new section to part IA to be appropriately
3 designated and to read as follows:

4 "§803- Officer of the Department of Homeland Security's
5 Federal Protective Service; arrest powers. A federal law
6 enforcement officer of the Department of Homeland Security's
7 Federal Protective Service, without a warrant, may arrest a
8 person or issue a citation 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, in the presence of the
14 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 felony has been committed and probable cause to
3 believe that the person to be arrested has
4 committed the felony;

5 (D) The officer has received information by written,
6 telegraphic, telephonic, radio, or other
7 authoritative source that a law enforcement
8 officer or agency holds a warrant for the
9 person's arrest; or

10 (E) The officer, in conjunction with the protection
11 of federal property and the persons thereon, has
12 probable cause to believe that a public offense
13 has occurred on property owned or possessed by
14 the United States government, or on any sidewalk,
15 street, or property immediately adjacent thereto,
16 in violation of applicable state or county
17 statute; and

18 (3) The commander of the Federal Protective Service
19 responsible for operations in Hawaii certifies to the
20 State that the officer has received proper training
21 within the agency to enable that officer to enforce or
22 administer this section."



S.B. NO. 1315

1 SECTION 2. New statutory material is underscored.

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

3

INTRODUCED BY: Will Espero



S.B. NO. 1315

Report Title:

Power of Arrest; Federal Officers

Description:

Permits officers of the Department of Homeland Security's Federal Protective Service to make arrests for certain offenses under state law when the offense occurs on or immediately adjacent to property owned or possessed by the United States government.

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

