

JAN 21 2016

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# A BILL FOR AN ACT

RELATING TO SEARCH WARRANTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 803-31, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§803-31 Search warrant; defined. A search warrant is an  
4 order in writing made by a judge or other magistrate, directed  
5 to an officer of justice, commanding the officer, or a person or  
6 entity authorized by the court to assist the officer, to search  
7 for certain articles supposed to be in the possession of or  
8 which are anticipated to be in the possession of one who is  
9 charged with having obtained them illegally, or who keeps them  
10 illegally, or with the intent of using them as the means of  
11 committing a certain offense."

12 SECTION 2. Section 803-34, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§803-34 Contents. The warrant shall be in writing,  
15 signed by the judge or magistrate, with the judge's or  
16 magistrate's official designation, directed to some sheriff or  
17 other officer of justice, and commanding the sheriff or other



1 officer, or a person or entity authorized by the court to assist  
2 the officer, to search for and bring before the judge or  
3 magistrate, the property or articles specified in the affidavit,  
4 to be disposed of according to justice, and also to bring before  
5 the judge or magistrate for examination the person in whose  
6 possession the property or articles may be found."

7 SECTION 3. Section 803-35, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§803-35 **Deputies may serve.** If the search warrant is  
10 directed to a sheriff or chief of police, it may be executed by  
11 the sheriff or chief of police or any of the sheriff's or  
12 chief's deputies[-], or a person or entity authorized by the  
13 court to assist a deputy."

14 SECTION 4. Section 803-37, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§803-37 **Power of officer serving.** The officer charged  
17 with the warrant, if a house, store, or other building is  
18 designated as the place to be searched, may enter it without  
19 demanding permission if the officer finds it open. If the doors  
20 are shut, the officer must declare the officer's office and the  
21 officer's business, and demand entrance. If the doors, gates,



# S.B. NO. 2103

1 or other bars to the entrance are not immediately opened, the  
 2 officer may break them. When entered, the officer may demand  
 3 that any other part of the house, or any closet, or other closed  
 4 place in which the officer has reason to believe the property is  
 5 concealed, may be opened for the officer's inspection, and if  
 6 refused the officer may break them. If an electronic device or  
 7 storage media is designated as the item to be searched, the  
 8 court may authorize the officer to obtain technical assistance  
 9 from individuals or entities, located within or outside the  
 10 State, in the examination of the item."

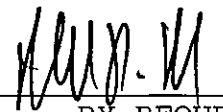
11 SECTION 5. This Act does not affect rights and duties that  
 12 matured, penalties that were incurred, and proceedings that were  
 13 begun before its effective date.

14 SECTION 6. Statutory material to be repealed is bracketed  
 15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:



BY REQUEST



# S.B. NO. 2103

**Report Title:**

Honolulu Prosecuting Attorney Package; Search Warrants

**Description:**

Allows courts to authorize a person or entity, other than an officer of justice, to carry out a search warrant. Allows courts to authorize an officer to obtain technical assistance if the search warrant granted pertains to an electronic device or storage media.

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