
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 pursuant to section 803-37 to assist the
7 officer, to search for certain articles supposed to be in the
8 possession of or which are anticipated to be in the possession
9 of one who is charged with having obtained them illegally, or
10 who keeps them illegally, or with the intent of using them as
11 the means of 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 pursuant to section
2 803-37 to assist the officer, to search for and bring before the
3 judge or magistrate, the property or articles specified in the
4 affidavit, to be disposed of according to justice, and also to
5 bring before the judge or magistrate for examination the person
6 in whose 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 pursuant
13 to section 803-37 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,



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; provided that the officer
11 must submit a sworn statement to the judge or magistrate
12 certifying the reliability and qualifications of the technical
13 assistants and why assistance is necessary."

14 SECTION 5. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 6. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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



Report Title:
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 and the officer submits a sworn statement.
(SB2103 HD1)

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