



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 11, 2017

GOV. MSG. NO. 1310

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 11, 2017, the following bill was signed into law:

SB488 SD1 HD1 CD1

RELATING TO SEARCH WARRANTS
ACT 196 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 to search for
6 certain articles supposed to be in the possession of, or [which
7 are] anticipated to be in the possession of, one who is charged
8 with having obtained them illegally, or who keeps them
9 illegally, or with the intent of using them as the means of
10 committing a certain offense. A search warrant may identify an
11 individual or entity authorized pursuant to section 803-37 to
12 provide technical assistance to the officer."

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

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



1 officer to search for and bring before the judge or
2 magistrate[7] the property or articles specified in the
3 affidavit, to be disposed of according to justice, and also to
4 bring before the judge or magistrate for examination the person
5 in whose possession the property or articles may be found. The
6 warrant shall identify any individual or entity authorized
7 pursuant to section 803-37 to provide technical assistance to
8 the sheriff or officer."

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

11 "**§803-35 Deputies or police officers may serve.** If the
12 search warrant is directed to a sheriff or chief of police, it
13 may be executed by the sheriff or chief of police or any of the
14 sheriff's deputies or [~~chief's deputies.~~] the chief's police
15 officers. An individual or entity authorized pursuant to
16 section 803-37 to provide technical assistance may assist a
17 deputy or police officer."

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

20 "**§803-37 Power of officer serving.** The officer charged
21 with the warrant, if a house, store, or other building is



1 designated as the place to be searched, may enter it without
2 demanding permission if the officer finds it open. If the doors
3 are shut, the officer [~~must~~] shall declare the officer's office
4 and the officer's business[7] and demand entrance. If the
5 doors, gates, or other bars to the entrance are not immediately
6 opened, the officer may break them. When entered, the officer
7 may demand that any other part of the house, or any closet[7] or
8 other closed place in which the officer has reason to believe
9 the property is concealed, may be opened for the officer's
10 inspection, and if refused the officer may break them. If an
11 electronic device or storage media is designated as the item to
12 be searched, the court may authorize the officer to obtain
13 technical assistance from individuals or entities, located
14 within or outside the State, in the examination of the item;
15 provided that the officer shall submit a sworn statement to the
16 judge or magistrate, certifying the reliability and
17 qualifications of the individuals or entities and the reason
18 their assistance is necessary; provided further that no
19 individual or entity shall be compelled to provide technical
20 assistance without their consent."



1 SECTION 5. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

APPROVED this 11 day of JUL, 2017

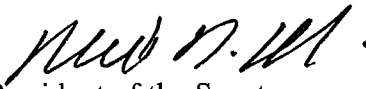



GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate

SB No. 488, SD 1, HD 1, CD 1

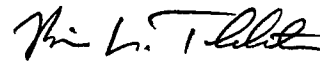
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives