

JAN 20 2017

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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 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 sheriff or



1 other officer of justice, and commanding the sheriff or other  
2 officer to search for and bring before the judge or  
3 magistrate[7] 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. The  
7 warrant shall identify any individual or entity authorized  
8 pursuant to section 803-37 to provide technical assistance to  
9 the officer."

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

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

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."



# S.B. NO. 488

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.

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INTRODUCED BY: \_\_\_\_\_

  
By Request



# S.B. NO. 488

**Report Title:**

Honolulu Prosecuting Attorney Package; Search Warrants;  
Technical Assistance

**Description:**

Allows courts to authorize a person or entity other than an officer to provide technical assistance in executing a search warrant that pertains to an electronic device or storage media.

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

