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# A BILL FOR AN ACT

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RELATING TO POLICING.

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

1           SECTION 1. Chapter 805, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4           "§805-       No-knock warrants; prohibited.   Notwithstanding  
5 any provision of law to the contrary, all warrants shall require  
6 the serving officer or officers to declare the officer's office  
7 and business in an audible voice and wait at least  
8 thirty seconds for compliance before entry into a house, store,  
9 or other building for the purpose of serving the warrant;  
10 provided that an officer shall not be required to wait if  
11 exigent circumstances exist that cause waiting to be hazardous  
12 or otherwise impracticable.

13           §805-       Service of warrant; uniform and body-worn video  
14 camera requirement.   Any officer serving a warrant issued  
15 pursuant to this chapter shall do so in an authorized uniform  
16 and wear and use a body-worn video camera. An officer serving a



1 warrant shall not obscure or conceal the officer's office in the  
2 process of serving the warrant."

3 SECTION 2. Section 803-11, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"§803-11 Entering house to arrest.** Whenever it is  
6 necessary to enter a house to arrest an offender, and entrance  
7 is refused, the officer or person making the arrest may force an  
8 entrance by breaking doors or other barriers. [~~But before~~]  
9 Before breaking any door, the officer or person shall first  
10 demand entrance in [~~a loud~~] an audible voice, and state that the  
11 officer or person is the bearer of a warrant of arrest; or if it  
12 is in a case in which arrest is lawful without warrant, the  
13 officer or person shall substantially state that information in  
14 an audible voice. No officer shall enter a house to arrest an  
15 offender without audibly declaring the officer's office and  
16 business and waiting at least thirty seconds for compliance  
17 before entry; provided that an officer shall not be required to  
18 wait if exigent circumstances exist that cause waiting to be  
19 hazardous or otherwise impracticable."

20 SECTION 3. Section 803-37, Hawaii Revised Statutes, is  
21 amended to read as follows:



1       "**§803-37 Power of officer serving.** The officer charged  
2 with the warrant, if a house, store, or other building is  
3 designated as the place to be searched, may enter it without  
4 demanding permission if the officer finds it open[-]; provided  
5 that the officer shall audibly declare the officer's office and  
6 business and wait at least thirty seconds before entry; provided  
7 further that an officer shall not be required to wait if exigent  
8 circumstances exist that cause waiting to be hazardous or  
9 otherwise impracticable. If the doors are shut, the officer  
10 shall declare the officer's office and the officer's business  
11 and demand entrance. If the doors, gates, or other bars to the  
12 entrance are not [~~immediately~~] opened[~~r~~] within thirty seconds,  
13 the officer may break them. When entered, the officer may  
14 demand that any other part of the house, or any closet or other  
15 closed place in which the officer has reason to believe the  
16 property is concealed, may be opened for the officer's  
17 inspection, and if refused the officer may break them. If an  
18 electronic device or storage media is designated as the item to  
19 be searched, the court may authorize the officer to obtain  
20 technical assistance from individuals or entities, located  
21 within or outside the State, in the examination of the item;



1 provided that the officer shall submit a sworn statement to the  
2 judge or magistrate, certifying the reliability and  
3 qualifications of the individuals or entities and the reason  
4 their assistance is necessary; provided further that no  
5 individual or entity shall be compelled to provide technical  
6 assistance without their consent."

7 SECTION 4. Section 805-1, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§805-1 Complaint; form of warrant.** When a complaint is  
10 made to any prosecuting officer of the commission of any  
11 offense, the prosecuting officer shall examine the complainant,  
12 shall reduce the substance of the complaint to writing, and  
13 shall cause the complaint to be subscribed by the complainant  
14 under oath, which the prosecuting officer is hereby authorized  
15 to administer, or the complaint shall be made by declaration in  
16 accordance with the rules of court. If the original complaint  
17 results from the issuance of a traffic summons or a citation in  
18 lieu of an arrest pursuant to section 803-6, by a police  
19 officer, the oath may be administered by any police officer  
20 whose name has been submitted to the prosecuting officer and who  
21 has been designated by the chief of police to administer the



1 oath, or the complaint may be submitted by declaration in  
2 accordance with the rules of court. Upon presentation of the  
3 written complaint to the judge in whose circuit the offense  
4 allegedly has been committed, the judge shall issue a warrant,  
5 reciting the complaint and requiring the sheriff, or other  
6 officer to whom it is directed, except as provided in  
7 section 805-3, to arrest the accused and to bring the accused  
8 before the judge to be dealt with according to law; and in the  
9 same warrant the judge may require the officer to summon [~~such~~]  
10 witnesses [~~as~~-are] named in the warrant to appear and give  
11 evidence at the trial. The warrant may be in the form  
12 established by the usage and practice of the issuing court[-];  
13 provided that no warrant shall issue that permits any officer to  
14 enter a house, store, or other building without audibly  
15 declaring the officer's office and business and waiting at least  
16 thirty seconds for compliance before entry; provided further  
17 that an officer shall not be required to wait if exigent  
18 circumstances exist that cause waiting to be hazardous or  
19 otherwise impracticable."



1       SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 6. This Act shall take effect on July 1, 3021.



**Report Title:**

Law Enforcement; No-Knock Warrants; Prohibition

**Description:**

Requires officers serving a warrant to declare the officer's office and business and wait thirty seconds before entry into a house, store, or other building, subject to certain circumstances. Requires officers serving a warrant issued by a district court to do so in an authorized uniform and wear and use a body-worn video camera. Effective 7/1/3021. (HD1)

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

