
A BILL FOR AN ACT

RELATED TO LAW ENFORCEMENT.

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

1 SECTION 1. Chapter 803, Hawaii Revised Statutes, is
2 amended by adding two new sections to part III to be
3 appropriately designated and to read as follows:

4 "§803- Notice of warrantless search. Upon completion of
5 any warrantless search of a house, store, or other building, the
6 officer shall post notice of the search that shall include the
7 report number, date, time, reason for entering, and office
8 contact number for at least one of the officers involved in the
9 search. Any entrances used by an officer shall be secured upon
10 completion of a warrantless search.

11 §803- Securing of entrances after search. Each county
12 police department, the department of law enforcement, and any
13 state or county public body that employs law enforcement
14 officers shall develop a policy for securing the entrances to a
15 house, store, or other building designated as a place to be
16 searched after a search is completed."



1 SECTION 2. Chapter 803, Hawaii Revised Statutes, is
2 amended by amending its title to read as follows:

3 "CHAPTER 803
4 ARRESTS, SEARCHES, SEARCH WARRANTS"

5 SECTION 3. Chapter 803, Hawaii Revised Statutes, is
6 amended by amending the title of part III to read as follows:

7 "PART III. SEARCHES, SEARCH WARRANTS"

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

10 "§803-37 Power of officer serving[-]; notice of search.

11 (a) The officer charged with the warrant [~~, if a house, store,~~
12 ~~or other building is designated as the place to be searched,~~]
13 may enter [~~it~~] the house, store, or other building designated as
14 the place to be searched without demanding permission if the
15 officer finds [~~it~~] the house, store, or other building open. If
16 the doors, gates, or other bars to the entrance are shut, the
17 officer shall declare the officer's office and the officer's
18 business and demand entrance. If the doors, gates, or other
19 bars to the entrance are not immediately opened, the officer may
20 break them. When entered, the officer may demand that any other
21 part of the house, or any closet or other closed place in which



1 the officer has reason to believe the property is concealed, may
2 be opened for the officer's inspection, and if refused the
3 officer may break them. The breaking of any doors, gates, other
4 bars to the entrance, closets, and other closed places shall be
5 allowed when reasonable and other means of entering the space
6 are not reasonable.

7 (b) Upon completion of any warranted search of a house,
8 store, or other building, the officer shall post notice of the
9 search that shall include the report number, date, time, reason
10 for entering, and office contact number for at least one of the
11 officers involved in the search. Any entrances used by an
12 officer shall be secured upon completion of a warranted search.

13 (c) If an electronic device or storage media is designated
14 as the item to be searched, the court may authorize the officer
15 to obtain technical assistance from individuals or entities,
16 located within or outside the State, in the examination of the
17 item; provided that the officer shall submit a sworn statement
18 to the judge or magistrate, certifying the reliability and
19 qualifications of the individuals or entities and the reason
20 their assistance is necessary; provided further that no



1 individual or entity shall be compelled to provide technical
2 assistance without their consent."

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

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



Report Title:

Law Enforcement; Warrants; Searches; Private Property

Description:

Requires law enforcement to post notice that a warranted or warrantless search has been conducted on a property. Requires a law enforcement officer to secure any entrance used by an officer in the search. Requires law enforcement agencies to develop a policy for securing the entrances to a house, store, or other building designated as a place to be searched after a search is completed. Allows the breaking of any doors, gates, other bars to the entrance, closets, and other closed places during a search when reasonable and other means of entering the space are not reasonable. (CD1)

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

