
A BILL FOR AN ACT

RELATED TO LAW ENFORCEMENT.

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

1 SECTION 1. Section 803-37, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§803-37 Power of officer serving[-]; notice of search.

4 (a) The officer charged with the warrant [,-if-a-house, store,
5 or other building is designated as the place to be searched,]
6 may enter [it] the house, store, or other building designated as
7 the place to be searched without demanding permission if the
8 officer finds [it] the house, store, or other building open. If
9 the doors, gates, or other bars to the entrance are shut, the
10 officer shall declare the officer's office and the officer's
11 business and demand entrance. If the doors, gates, or other
12 bars to the entrance are not immediately opened, the officer may
13 break them. When entered, the officer may demand that any other
14 part of the house, or any closet or other closed place in which
15 the officer has reason to believe the property is concealed, may
16 be opened for the officer's inspection, and if refused the



1 officer may break [~~them.~~] the doors, gates, or other bars to the
2 entrance.

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

10 (c) If an electronic device or storage media is designated
11 as the item to be searched, the court may authorize the officer
12 to obtain technical assistance from individuals or entities,
13 located within or outside the State, in the examination of the
14 item; provided that the officer shall submit a sworn statement
15 to the judge or magistrate, certifying the reliability and
16 qualifications of the individuals or entities and the reason
17 their assistance is necessary; provided further that no
18 individual or entity shall be compelled to provide technical
19 assistance without their consent."

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 3. This Act shall take effect on July 1, 3000.



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. Effective 7/1/3000. (HD1)

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