

JAN 21 2009

A BILL FOR AN ACT

RELATING TO THE POWER OF ARREST.

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

1 SECTION 1. Section 803-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§803-16 Officer of United States Immigration and Customs**
4 **Enforcement, Customs and Border Protection Service, or**
5 **Citizenship and Immigration Services; arrest powers.** An officer
6 of the United States Immigration and Customs Enforcement,
7 Customs and Border Protection Service, or [~~the~~] Citizenship and
8 Immigration Services, without a warrant, may arrest a person if:

9 (1) The officer is on duty;

10 (2) One or more of the following situations exists:

11 (A) The person commits an assault or other crime
12 involving physical harm, defined and punishable
13 under chapter 707, against the officer or against
14 any other person in the presence of the officer;

15 (B) The person commits an offense against public
16 order, defined and punishable under chapter 711,
17 in the presence of the officer;



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1 (C) The officer has probable cause to believe that a
2 crime as provided in subparagraph (A) or (B) has
3 been committed and has probable cause to believe
4 that the person to be arrested has committed the
5 crime;

6 (D) The officer has probable cause to believe that a
7 felony has been committed and probable cause to
8 believe that the person to be arrested has
9 committed the felony; or

10 (E) The officer has received information by written,
11 telegraphic, teletypic, telephonic, radio, or
12 other authoritative source that a law enforcement
13 officer holds a warrant for the person's arrest;
14 and

15 (3) The [~~Director of the Hawaii district office for~~
16 Special Agent in Charge, Honolulu/Guam/Commonwealth of
17 the Northern Marianas, of the Immigration and Customs
18 Enforcement, the Port Director, area port of Honolulu,
19 of the Customs and Border Protection Service, or the
20 District Director, District 26, of the Citizenship and
21 Immigration Services, as the case may be, or other
22 authorized representative, certifies to the State that



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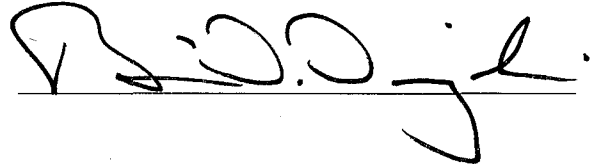
1 the officer has received proper training within the
2 agency to enable that officer to enforce or administer
3 this section."

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

6 SECTION 3. This Act shall take effect upon its approval.

7

INTRODUCED BY:





Report Title:

Power of Arrest; Federal Officers

Description:

Updates references to U.S. Customs and Border Protection Service and Citizenship and Immigration Services to reflect current names of agencies within the federal Department of Homeland Security.

