

JAN 21 2022

A BILL FOR AN ACT

RELATING TO POLICING.

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

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

"§805- No-knock warrants; prohibited. Notwithstanding any provision of law to the contrary, all warrants shall require the serving officer or officers to declare the officer's office and business in an audible voice and wait at least thirty seconds for compliance before entry into a house, store, or other building for the purpose of serving the warrant; provided that the thirty seconds shall commence at the moment the announcement of presence is made by the officer.

§805- Service of warrant; uniform and body-worn video camera requirement. Any officer serving a warrant issued pursuant to this chapter shall do so in an authorized uniform and wear and use a body-worn video camera. An officer serving a warrant shall not obscure or conceal the officer's office in the process of serving the warrant."



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

"§803-11 Entering house to arrest. Whenever it is necessary to enter a house to arrest an offender, and entrance is refused, the officer or person making the arrest may force an entrance by breaking doors or other barriers. ~~[But before]~~ Before breaking any door, the officer or person shall first demand entrance in ~~[a loud]~~ an audible voice, and state that the officer or person is the bearer of a warrant of arrest; or if it is in a case in which arrest is lawful without warrant, the officer or person shall substantially state that information in an audible voice. No officer shall enter a house to arrest an offender without audibly declaring the officer's office and business and waiting at least thirty seconds for compliance before entry; provided that the thirty seconds shall commence at the moment the announcement of presence is made by the officer."

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

"§803-37 Power of officer serving. The officer charged with the warrant, if a house, store, or other building is designated as the place to be searched, may enter it without



1 demanding permission if the officer finds it open[-]; provided
2 that the officer shall audibly declare the officer's office and
3 business and wait at least thirty seconds before entry; provided
4 further that the thirty seconds shall commence at the moment the
5 announcement of presence is made by the officer. If the doors
6 are shut, the officer shall declare the officer's office and the
7 officer's business and demand entrance. If the doors, gates, or
8 other bars to the entrance are not [~~immediately~~] opened[7]
9 within thirty seconds, the officer may break them. When
10 entered, the officer may demand that any other part of the
11 house, or any closet or other closed place in which the officer
12 has reason to believe the property is concealed, may be opened
13 for the officer's inspection, and if refused the officer may
14 break them. If an electronic device or storage media is
15 designated as the item to be searched, the court may authorize
16 the officer to obtain technical assistance from individuals or
17 entities, located within or outside the State, in the
18 examination of the item; provided that the officer shall submit
19 a sworn statement to the judge or magistrate, certifying the
20 reliability and qualifications of the individuals or entities
21 and the reason their assistance is necessary; provided further



1 that no individual or entity shall be compelled to provide
2 technical assistance without their consent."

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

5 "§805-1 Complaint; form of warrant. When a complaint is
6 made to any prosecuting officer of the commission of any
7 offense, the prosecuting officer shall examine the complainant,
8 shall reduce the substance of the complaint to writing, and
9 shall cause the complaint to be subscribed by the complainant
10 under oath, which the prosecuting officer is hereby authorized
11 to administer, or the complaint shall be made by declaration in
12 accordance with the rules of court. If the original complaint
13 results from the issuance of a traffic summons or a citation in
14 lieu of an arrest pursuant to section 803-6, by a police
15 officer, the oath may be administered by any police officer
16 whose name has been submitted to the prosecuting officer and who
17 has been designated by the chief of police to administer the
18 oath, or the complaint may be submitted by declaration in
19 accordance with the rules of court. Upon presentation of the
20 written complaint to the judge in whose circuit the offense
21 allegedly has been committed, the judge shall issue a warrant,



1 reciting the complaint and requiring the sheriff, or other
2 officer to whom it is directed, except as provided in section
3 805-3, to arrest the accused and to bring the accused before the
4 judge to be dealt with according to law; and in the same warrant
5 the judge may require the officer to summon [~~such~~] witnesses [~~as~~
6 ~~are~~] named in the warrant to appear and give evidence at the
7 trial. The warrant may be in the form established by the usage
8 and practice of the issuing court[-]; provided that no warrant
9 shall issue that permits any officer to enter a house, store, or
10 other building without audibly declaring the officer's office
11 and business and waiting at least thirty seconds for compliance
12 before entry; provided further that the thirty seconds shall
13 commence at the moment the announcement of presence is made by
14 the officer."

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.
18

INTRODUCED BY: 



S.B. NO. 2323

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.

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

