

JAN 24 2024

A BILL FOR AN ACT

RELATING TO ARREST BY FEDERAL OFFICERS.

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

1 SECTION 1. The purpose of this Act is to authorize law
2 enforcement officers of the Federal Bureau of Investigation to
3 effect arrests for certain state offenses.

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

6 "§803-16 Law enforcement officers of the Federal Bureau of
7 Investigation, the United States Immigration and Customs
8 Enforcement-Homeland Security Investigations, or the United
9 States Customs and Border Protection; arrest powers. A law
10 enforcement officer of the Federal Bureau of Investigation, of
11 the United States Immigration and Customs Enforcement-Homeland
12 Security Investigations, or of the United States Customs and
13 Border Protection, without a warrant, may arrest a person if:

14 (1) The officer is on duty;

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

16 (A) The person commits an assault or other crime

17 involving physical harm, defined and punishable

S.B. NO. 3039

1 under chapter 707, against the officer or against
2 any other person in the presence of the officer;

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

6 (C) The officer has probable cause to believe that a
7 crime as provided in subparagraph (A) or (B) has
8 been committed and has probable cause to believe
9 that the person to be arrested has committed the
10 crime;

11 (D) The officer has probable cause to believe that a
12 felony has been committed and probable cause to
13 believe that the person to be arrested has
14 committed the felony; or

15 (E) The officer has received information by written,
16 telegraphic, teletypic, telephonic, radio, or
17 other authoritative source that a law enforcement
18 officer holds a warrant for the person's arrest;
19 and

20 (3) The special agent in charge[7] of the Federal Bureau
21 of Investigation or of the United States Immigration and Customs
22 Enforcement-Homeland Security Investigations Honolulu[7] or the

S.B. NO. 3039

1 port director of the area port of Honolulu of the United States
2 Customs and Border Protection, as the case may be, certifies to
3 the State that the officer has received proper training within
4 the agency to enable that officer to make arrests as provided in
5 this section."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

9

10

INTRODUCED BY: 

11

BY REQUEST

S.B. NO. 3039

Report Title:

Arrests; Federal Officers; FBI

Description:

Authorizes law enforcement officers of the Federal Bureau of Investigation to effect arrests under the Hawaii Penal Code in limited circumstances.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO ARREST BY FEDERAL OFFICERS.

PURPOSE: To authorize law enforcement officers of the Federal Bureau of Investigation (FBI) to effect arrests under the Hawaii Penal Code in certain circumstances.

MEANS: Amend section 803-16, Hawaii Revised Statutes (HRS).

JUSTIFICATION: With the advancement of technology and the ease of traveling, Hawaii citizens and residents often find themselves fallen victims of crimes committed across state lines and even across national borders.

The FBI is highly equipped in fighting cross-border crimes, and its ability and resources to conduct highly complex criminal or cybercrime investigations is exceptionally valuable. A federal, state, and county partnership is particularly needed during major events, task force efforts, and national disasters. The FBI already provides and dedicates great resources to state law enforcement efforts, but the collaborative efforts can be hindered due to the lack of arrest power by the FBI under state law.

Section 803-16, HRS, already confers arrest powers to special agents of the United States Immigration and Customs Enforcement-Homeland Security Investigations and the United States Customs and Border Protections. The same power conferred upon law enforcement officers of the FBI will provide vital support to state and county law enforcement efforts when it is requested as well as in times of necessity.

Impact on the public: This bill will have a positive impact on the public as it provides vital support to state and county law enforcement efforts by the FBI, keeping Hawaii safe.

Impact on the department and other agencies: This bill will greatly assist all state and county law enforcement agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Department of Law Enforcement and county
police departments.

EFFECTIVE DATE: Upon approval.