



1 SECTION 4. 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  
17 officer may break them. The breaking of any doors, gates, other  
18 bars to the entrance, closets, and other closed places shall be  
19 allowed when reasonable and other means of entering the space  
20 are not reasonable.



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

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

17        SECTION 5. Each county police department, the department  
18 of law enforcement, and any state or county public body that  
19 employs law enforcement officers shall develop a policy for  
20 securing the entrances to a house, store, or other building  
21 designated as a place to be searched after a search.



1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. 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. 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. 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. (SD1)

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