

ACT 228

H.B. NO. 2894-78

A Bill for an Act Relating to Arrests.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 803-6, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 803-6 Arrest, how made.** (a) At or before the time of making an arrest, the person shall declare that he is an officer of justice, if such is the case. If he has a warrant he should show it; or if he makes the arrest without warrant in any of the cases in which it is authorized by law, he should give the party ar-

rested clearly to understand for what cause he undertakes to make the arrest, and shall require him to submit and be taken to the police station or judge. This done, the arrest is complete.

(b) In any case in which it is lawful for a police officer to arrest a person without a warrant for a misdemeanor, petty misdemeanor or violation, he may, but need not, issue a citation in lieu of the requirements of (a), if he finds and is reasonably satisfied that the person:

- (1) Is a resident of the State of Hawaii;
- (2) Will appear in court at the time designated;
- (3) Has no outstanding arrest warrants which would justify his detention or give indication that he might fail to appear in court, and
- (4) That the offense is of such nature that there will be no further police contact on or about the date in question, or in the immediate future.

(c) The citation shall contain:

- (1) Name and current address of offender;
- (2) Social security number;
- (3) Description of offender;
- (4) Nature of the offense;
- (5) Time and date;
- (6) Notice of time and date for court appearance;
- (7) Signature of officer (badge);
- (8) Signature of offender agreeing to court appearance;
- (9) Remarks; and
- (10) Notice—you are hereby directed to appear at the time and place designated above to stand trial for the offense indicated. A failure to obey this citation may result in a fine or imprisonment, or both.

(d) Where a citation has been issued in lieu of the requirements of (a) above, the officer who issues the summons or citation may subscribe to the complaint under oath administered by any police officer whose name has been submitted to the prosecuting officer and who has been designated by the chief of police to administer the oath.

[[d)] (e) If a person fails to appear in answer to the citation; or if there is reasonable cause to believe that he will not appear, a warrant for his arrest may be issued. Willful failure to appear in answer to the citation may be punished by a fine of not more than \$100 or imprisonment of not more than 30 days or both."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.

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

(Approved June 5, 1978.)