



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-THIRD LEGISLATURE, 2006**

ON THE FOLLOWING MEASURE:

S.B. NO. 2073, RELATING TO THE POWER OF ARREST.

BEFORE THE:

SENATE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

DATE: Thursday, February 9, 2006 **TIME:** 2:45 PM

LOCATION: Conference Room 225

Deliver to: Room 215, 35 copies

TESTIFIER(S): Mark J. Bennett, Attorney General
or Mark K. Miyahira, Deputy Attorney General

Chair Ige, Vice-Chair Kim, and Members of the Committee:

The Department of the Attorney General supports this measure.

The purpose of this bill is to extend the power of federal law enforcement officers to make arrests under state law, currently limited to Customs Service and Immigration and Naturalization Service officers, to include agents of the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Secret Service, and United States Marshal Service.

Act 201, Sessions Laws of Hawaii 1980, codified as section 803-16, Hawaii Revised Statutes, conferred the power to arrest, under state law, on United States Custom Service and Immigration and Naturalization Service officers. These agents were often in a position to observe suspicious activities but were not authorized, under prior state law, to take action. The intent of this law was to provide additional protection at state airports and harbors by authorizing customs and immigration agents to assist in maintaining law and order.

It is appropriate to extend the power to make arrest under state law to other federal agents. This bill will provide additional protections for citizens of the State, as well as our

many visitors, by authorizing federal agents to assist in maintaining law and order.

The Department respectfully requests that this measure be passed.