
A BILL FOR AN ACT

RELATING TO GAMBLING.

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

1 SECTION 1. Section 712-1220, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§712-1220 Definitions of terms in this part. In this
4 part, unless a different meaning plainly is required, the
5 following definitions apply[-]:

6 [(+)] "Advance gambling activity". A person "advances
7 gambling activity" if [~~he~~] the person engages in conduct that
8 materially aids any form of gambling activity. Conduct of this
9 nature includes but is not limited to conduct directed toward
10 the creation or establishment of the particular game, contest,
11 scheme, device, or activity involved, toward the acquisition or
12 maintenance of premises, paraphernalia, equipment, or apparatus
13 therefor, toward the solicitation or inducement of persons to
14 participate therein, toward the actual conduct of the playing
15 phases thereof, toward the arrangement of any of its financial
16 or recording phases, or toward any other phase of its operation.

17 A person advances gambling activity if, having substantial
18 proprietary control or other authoritative control over premises



1 being used with [~~his~~] the person's knowledge for purposes of
2 gambling activity, [~~he~~] the person permits that activity to
3 occur or continue or makes no effort to prevent its occurrence
4 or continuation. A person advances gambling activity if [~~he~~]
5 the person plays or participates in any form of gambling
6 activity.

7 [~~2~~] "Bookmaking" means advancing gambling activity by
8 accepting bets from members of the public upon the outcomes of
9 future contingent events.

10 [~~3~~] "Contest of chance" means any contest, game, gaming
11 scheme, or gaming device in which the outcome depends in a
12 material degree upon an element of chance, notwithstanding that
13 skill of the contestants may also be a factor therein.

14 [~~4~~] "Gambling". A person engages in gambling if [~~he~~]
15 the person stakes or risks something of value upon the outcome
16 of a contest of chance or a future contingent event not under
17 [~~his~~] the person's control or influence, upon an agreement or
18 understanding that [~~he~~] the person or someone else will receive
19 something of value in the event of a certain outcome. Gambling
20 does not include bona fide business transactions valid under the
21 law of contracts, including but not limited to contracts for the
22 purchase or sale at a future date of securities or commodities,



1 and agreements to compensate for loss caused by the happening of
2 chance, including but not limited to contracts of indemnity or
3 guaranty and life, health, or accident insurance.

4 ~~[(5)]~~ "Gambling device" means any device, machine,
5 paraphernalia, or equipment that is used or usable in the
6 playing phases of any gambling activity, whether that activity
7 consists of gambling between persons or gambling by a person
8 involving the playing of a machine. The term includes any
9 machine used to play sweepstakes that:

10 (a) Discharges:

11 (i) Any prize, including money, cash equivalent,
12 debit card, merchandise credit card, or
13 opportunities to enter a sweepstakes or play any
14 other contest of chance, whether the payout is
15 made automatically by the machine or in any other
16 manner, and whether the discharge of the prize
17 can be determined either at the beginning or at
18 the end of play; or

19 (ii) Anything that may be exchanged for a prize; or

20 (b) Displays any symbol entitling any person to receive a
21 prize.



1 However, the term does not include lottery tickets and other
2 items used in the playing phases of lottery schemes [~~are not~~
3 ~~gambling devices within this definition~~].

4 [~~(6)~~] "Lottery" means a gambling scheme in which:

- 5 (a) The players pay or agree to pay something of value for
6 chances, represented and differentiated by numbers or
7 by combinations of numbers or by some other medium,
8 one or more of which chances are to be designated the
9 winning ones; and
- 10 (b) The winning chances are to be determined by a drawing
11 or by some other method based on an element of chance;
12 and
- 13 (c) The holders of the winning chances are to receive
14 something of value.

15 [~~(7)~~] "Mutuel" means a form of lottery in which the
16 winning chances or plays are not determined upon the basis of a
17 drawing or other act on the part of persons conducting or
18 connected with the scheme, but upon the basis of the outcome or
19 outcomes of a future contingent event or events otherwise
20 unrelated to the particular scheme.

21 [~~(8)~~] "Player" means a person who engages in gambling
22 solely as a contestant or bettor.



1 [~~9~~] "Profit from gambling activity". A person "profits
2 from gambling activity" if [~~he~~] the person accepts or receives
3 money or other property pursuant to an agreement or
4 understanding with any other person whereby [~~he~~] the person
5 participates or is to participate in the proceeds of gambling
6 activity.

7 [~~10~~] "Social gambling" is defined in section 712-1231.

8 [~~11~~] "Something of value" means any money or property,
9 any token, object, or article exchangeable for money or
10 property, or any form of credit or promise directly or
11 indirectly contemplating transfer of money or property or of any
12 interest therein, or involving extension of a service or
13 entertainment. The term includes a sweepstakes ticket or other
14 item that entitles the holder to a share or chance in a
15 sweepstakes, whether the ticket or other item is obtained in
16 conjunction with the purchase of goods or services or provided
17 at no cost in limited quantities pursuant to the terms of the
18 sweepstakes.

19 "Sweepstakes" means any game, advertising scheme or plan,
20 or other promotion that constitutes a contest of chance by which
21 a person may enter to win or become eligible to receive any
22 prize, the determination of which is based upon chance. The



1 term includes only those sweepstakes that an entrant can enter,
 2 play, or otherwise interact with using a gambling device
 3 furnished by the sweepstakes operator or an affiliate or person
 4 under contract with the operator, in an establishment controlled
 5 by, affiliated with, or contracting with the operator."

6 SECTION 2. Section 712-1221, Hawaii Revised Statutes, is
 7 amended to read as follows:

8 "**§712-1221 Promoting gambling in the first degree.** (1) A
 9 person commits the offense of promoting gambling in the first
 10 degree if the person knowingly advances or profits from gambling
 11 activity by:

12 (a) Engaging in bookmaking to the extent that the person
 13 receives or accepts in any seven-day period more than
 14 five bets totaling more than \$500; or

15 (b) Receiving in connection with a lottery, or mutuel
 16 scheme or enterprise, money or written records from a
 17 person other than a player whose chances or plays are
 18 represented by such money or records; [~~or~~]

19 (c) Receiving or having become due and payable in
 20 connection with a lottery, mutuel, or other gambling
 21 scheme or enterprise, more than \$1,000 in any seven-
 22 day period played in the scheme or enterprise[~~-~~]; or



H.B. NO. 123

Report Title:

Gambling Machines; Sweepstakes

Description:

Defines "sweepstakes". Amends the definition of "gambling device" and "something of value" to include the use of gambling devices to play sweepstakes. Establishes a class C felony for furnishing any gambling device for use in gambling.

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