

1 all forms, including the rental of commercial premises
2 for bingo or raffles, and to ensure the maximum use of
3 the profits of bingo or raffles exclusively for the
4 lawful purposes specified in this chapter or for the
5 advancement, improvement, or benefit of the licensed
6 organization that conducts the bingo or raffles, under
7 the requirements of this chapter; and

- 8 (3) It is a matter of statewide concern to foster and
9 support these lawful purposes and to prevent
10 commercialized gambling, participation by criminal and
11 other undesirable elements, and diversion of funds
12 from the lawful purposes authorized in this chapter.

13 § -2 **Definitions.** As used in this chapter:

14 "Bingo" means a game of chance in which players pay a
15 consideration in order to participate, in which seventy-five
16 numbered objects are available for selection, and those objects
17 actually selected are selected on a random basis, and in which
18 each player participates by means of cards sold, rented, or used
19 only at the time and place of the game, each card containing
20 five rows of five spaces each, each space printed with a number
21 from 1 to 75, except the central space, which is marked "FREE".
22 Winners are determined and prizes awarded on the basis of



1 possessing a bingo card on which some combination of numbers are
2 printed and conform to the numbered objects selected at random
3 based on a predetermined winning arrangement. "Bingo" as used
4 in this chapter shall not include any game using free cards and
5 donated prizes, if any, for which no payment of consideration is
6 made by participants.

7 "Bingo occasion" means a single gathering or session at
8 which a series of successive bingo games is played.

9 "Bingo supplies and equipment" means all cards, boards,
10 sheets, markers, pads, or other supplies, devices, or equipment
11 designed for use in the play of bingo.

12 "Board" means the recreational activities control board.

13 "Department" means the department of commerce and consumer
14 affairs.

15 "Extra regular card" means a nondisposable card which
16 affords additional opportunities to play in a regular bingo game
17 to be played at a bingo occasion.

18 "Gross receipts" means total receipts received from the
19 conduct of bingo including but not limited to receipts from the
20 sale, rental, or use of regular bingo cards, extra regular
21 cards, special bingo cards, regular raffle tickets, monthly



1 raffle tickets, special raffle tickets, and bingo or raffle
2 supplies.

3 "Lawful purpose" means any of the following:

- 4 (1) Benefiting persons by enhancing their opportunity for
5 religious or educational advancement, by relieving or
6 protecting them from disease, suffering, or distress,
7 by contributing to their physical well-being, by
8 assisting them in establishing themselves in life as
9 worthy and useful citizens, or by increasing their
10 comprehension of and devotion to the principles upon
11 which this nation was founded;
- 12 (2) Initiating, performing, or fostering worthy public
13 works, or enabling or furthering the erection or
14 maintenance of public structures;
- 15 (3) Lessening the burdens borne by government, or
16 voluntarily supporting, augmenting, or supplementing
17 services which government would normally render to the
18 people; or
- 19 (4) Maintaining, improving, building an addition to,
20 repairing, or retiring the debt on existing buildings
21 and real property used for purposes enumerated in
22 paragraphs (1) to (3).



1 "Lawful purpose" does not include the erection of a
2 building or acquisition of any real property except as provided
3 in paragraph (4), unless the board specifically authorizes the
4 expenditures after finding that the property will be used
5 exclusively for one or more of the purposes specified in
6 paragraphs (1) to (4), nor does it include any activities
7 consisting of an attempt to influence legislation or participate
8 in any political campaign on behalf of any elected official or
9 person who is or has been a candidate for public office.

10 "Licensed organization" means an organization licensed
11 under this chapter to conduct bingo or raffle games.

12 "Limited period bingo" means the conduct of bingo for a
13 period of not more than four out of five consecutive days in any
14 one year at a festival, bazaar, picnic, carnival, or similar
15 special function conducted by a licensed organization.

16 "Monthly raffle" means a raffle for which one or more
17 drawing are held and prizes awarded on a specified date no later
18 than thirty-one days after the sale of tickets has begun.

19 "Premises" means any room, hall, enclosure, tent, or
20 outdoor area in which bingo or raffle games are being played.

21 "Profit" means the gross receipts collected from one or
22 more bingo occasions or raffle occasions, less reasonable sums



1 necessarily and actually expended for bingo or raffle supplies
2 and equipment, prizes, utilities, license fees, and taxes.

3 "Raffle" means a game of chance in which tickets are sold
4 and a drawing for prizes is held.

5 "Raffle occasion" means a single gathering or session in
6 which a series of successive raffle drawings are played.

7 "Raffle supplies and equipment" means all cards, boards,
8 sheets, markers, pads, or other supplies, devices, or equipment
9 designed for use in the play of raffle.

10 "Regular bingo card" means a nondisposable card issued to a
11 person upon payment of the admission fee which affords a person
12 the opportunity to participate in all regular games played at a
13 bingo occasion.

14 "Regular bingo game" means a bingo game in which a person,
15 upon payment of an admission, is issued a regular bingo card and
16 may purchase or rent extra regular cards.

17 "Regular raffle" means a raffle for which a single drawing
18 for prizes is held on a specified date after the sale of tickets
19 has been completed.

20 "Service organization" includes all of the following:



1 (1) A labor organization, recognized under section 377-14,
2 whose jurisdiction is limited to a specific
3 geographical area within the State; and

4 (2) A political party, as defined in section 11-61, except
5 a state committee organized exclusively for political
6 purposes under whose name candidates appear on a
7 ballot at any election.

8 "Special bingo card" means a disposable, specially marked
9 bingo card which affords a person the opportunity to participate
10 in a special bingo game to be played at a bingo occasion.

11 "Special bingo game" means any bingo game which is not a
12 regular bingo game and which is played with special bingo cards.

13 "Special raffle" means a raffle for which one or more
14 drawings are held and prizes awarded on the same day as the
15 tickets are sold.

16 **PART II. BINGO CONTROL BOARD**

17 **§ -11 Recreational activities control board;**
18 **appointment.** (a) There is established within the department
19 for administrative purposes a recreational activities control
20 board consisting of seven members. Two members of the board
21 shall be appointed by the president of the senate, two members
22 of the board shall be appointed by the speaker of the house of



1 representatives, and three members of the committee shall be
2 appointed by the governor.

3 (b) Five members of the board shall be officers,
4 directors, or clergy of a bona fide religious, charitable,
5 fraternal, or veteran's organization or any tax exempt
6 organization under the Internal Revenue Code. Two members shall
7 be public members. Four members of the board shall be residents
8 of the city and county of Honolulu and three shall be residents
9 of counties other than the city and county of Honolulu.

10 (c) The members of the board shall serve without
11 compensation but shall be reimbursed for expenses, including
12 travel expenses, necessary for the performance of their duties.

13 § -12 General duties of the board. The board shall:

14 (1) Hear appeals on denial of licenses by the department;

15 (2) Conduct hearings on the suspension or revocation of a
16 license for violation of this chapter or any rules
17 adopted under it;

18 (3) Adopt rules under chapter 91 relating to the issuance,
19 renewal, amendment, suspension, and revocation of
20 bingo and raffle licenses and the conduct of bingo
21 under this chapter;



1 (4) Approve and establish a standard set of bingo cards
2 comprising a consecutively numbered series and
3 prescribe by rule the manner in which the cards shall
4 be reproduced and distributed to a licensed
5 organization;

6 (5) Approve and establish a standard set of raffle tickets
7 comprising a consecutively numbered series and
8 prescribe by rule the manner in which the tickets
9 shall be reproduced and distributed to a licensed
10 organization; and

11 (6) Prescribe appropriate forms necessary to carry out
12 this chapter.

13 § -13 Department powers and duties. The department
14 shall:

15 (1) Issue, renew, and amend licenses to:

16 (A) Organizations to conduct bingo or raffles;

17 (B) A supervisory member designated by the
18 organization; and

19 (C) A member designated by the organization who is
20 responsible for the gross receipts;

21 (2) Have power to temporarily suspend any license;



- 1 (3) Make recommendations to the board regarding
- 2 suspensions and revocations of licenses;
- 3 (4) Refer for investigation potential or actual violations
- 4 of this chapter and rules adopted under it to the
- 5 prosecuting attorney in the county in which a bingo or
- 6 raffle occasion will be or was held;
- 7 (5) Make a continuous study of the operation of this
- 8 chapter to ascertain whether there are defects which
- 9 jeopardize or threaten to jeopardize the purpose of
- 10 this chapter; and make a continuous study of the
- 11 operation and administration of similar laws which may
- 12 be in effect in other states; and
- 13 (6) Recommend to the board the changes in the law of this
- 14 State as the department determines are necessary to
- 15 carry out the purposes of this chapter.

16 § -14 **Conflict of interest prohibited.** No member of the
17 board or employee of the department assigned duties under this
18 chapter shall:

- 19 (1) Own, be employed by, or have any pecuniary interest in
- 20 any business engaged directly or indirectly in the
- 21 manufacture, distribution, or sale of bingo or raffle
- 22 supplies and equipment, or be the spouse of or related



- 1 in the first degree of kinship to any person so
2 employed or interested;
- 3 (2) Participate in the approval, denial, revocation, or
4 suspension of any application or license for an
5 organization of which the member or employee is an
6 officer, director, shareholder, or member;
- 7 (3) Engage in private employment or in a profession or
8 business which conflicts with the performance of the
9 member's or employee's official duties; or
- 10 (4) Engage in any business, transaction, or professional
11 activity or incur any obligation of any nature which
12 conflicts with the proper discharge of the member's or
13 employee's official duties.

14 § -15 Rules governing expenditure of bingo or raffle
15 funds restricted. (a) As used in this section:

16 "Bar" means premises operating under a license or permit
17 for the retail sale of alcohol beverages for consumption on the
18 premises.

19 "Restaurant" means any place in which meals are prepared
20 for or served or sold to the public more than once in any week.

21 "Meals" do not include soft drinks, ice cream, milk, milk
22 drinks, ices, or confections.



1 (b) Prior to applying for a license, an organization
2 listed under subsection (a) shall:

3 (1) Be incorporated in this State as a nonprofit
4 corporation or organized in this State as a religious
5 or nonprofit organization;

6 (2) Have at least fifteen members in good standing;

7 (3) Conduct activities within this State in addition to
8 the conduct of bingo or raffles;

9 (4) Be authorized by its constitution, articles, charter,
10 or bylaws to further a lawful purpose in this State;

11 (5) Operate without profit to its members, and no part of
12 the net earnings of the organization shall inure to
13 the benefit of any private shareholder or individual;

14 (6) Have been in existence for five years immediately
15 preceding its application for a license, and shall
16 have had during that five-year period a bona fide
17 membership actively engaged in furthering a lawful
18 purpose; and

19 (7) Have received and used and shall continue to receive
20 and use, for a lawful purpose, funds derived from
21 sources other than from the conduct of bingo or
22 raffles.



1 § -22 Bingo or raffle license application. Each
2 applicant for a license to conduct bingo or raffles shall file
3 with the board an application on a form prescribed by the board.

4 The application shall include:

- 5 (1) The name and address of the applicant;
- 6 (2) Sufficient facts relating to the incorporation or
7 organization of the applicant to enable the board to
8 determine if the applicant is eligible for a license
9 under this part;
- 10 (3) The name and address of each officer of the applicant
11 organization;
- 12 (4) The place and date of each bingo or raffle occasion
13 proposed to be conducted during the effective period
14 of the license;
- 15 (5) The name and address of the owner of the premises in
16 which bingo or raffles will be conducted and the
17 approximate capacity of the premises;
- 18 (6) The name, date of birth, and address of each
19 supervising member for each bingo or raffle occasion
20 who shall be a bona fide and active member of the
21 applicant organization and one or more of whom shall
22 be present and in immediate charge of and responsible



1 for the conduct of bingo or raffles at each bingo or
2 raffle occasion;

3 (7) The name of any licensed organization cosponsoring any
4 bingo or raffle occasion;

5 (8) The name, address, date of birth, and years of
6 membership of a bona fide and active member of the
7 applicant organization who shall be responsible for
8 the proper utilization of the gross receipts derived
9 from the conduct of bingo or raffles;

10 (9) The specific purposes to which the profits from the
11 conduct of bingo or raffles are to be devoted; and

12 (10) Other information which the board deems necessary to
13 administer this chapter.

14 § -23 Affidavits, bond, and fees. An application for a
15 license to conduct bingo or raffles shall be accompanied by:

16 (1) A sworn statement of each designated supervising
17 member that the member will be responsible for
18 compliance with this chapter and rules adopted under
19 it for each bingo or raffle occasion supervised by the
20 member;

21 (2) A sworn statement by the member designated as
22 responsible for the proper utilization of gross



1 receipts that no commission, fee, rent, salary,
2 profits, compensation, reward, or recompense will be
3 paid to any person or organization and that all
4 profits will be spent for a lawful purpose or as
5 provided under section -32(b); and

6 (3) A \$10 license fee for each bingo or raffles occasion
7 proposed to be conducted; \$5 for an annual license for
8 each designated supervising member; and \$5 for an
9 annual license for each designated member responsible
10 for the proper utilization of gross receipts. The
11 fees shall be paid to the board which shall deposit
12 them in the state treasury to the credit of the
13 general fund.

14 § -24 Department determinations. Upon receipt of an
15 application for a license to conduct bingo or raffles, the
16 department shall investigate the qualifications of the applicant
17 and the merits of the application and before issuing a license
18 shall determine that:

19 (1) The applicant is eligible to be licensed to conduct
20 bingo under section -21;

21 (2) The supervising members and member responsible for the
22 proper utilization of gross receipts are bona fide and



1 active members of the applicant organization who have
2 never been convicted of a felony or, if convicted,
3 have received a pardon or have been released from
4 parole or probation for at least five years;

5 (3) The proposed bingo occasions will be conducted in
6 accordance with this chapter and the rules adopted
7 under it;

8 (4) No commission, fee, rent, salary, profit,
9 compensation, reward, or recompense is or shall be
10 paid or given to any person in connection with the
11 holding, operating, or conducting of any bingo
12 occasion, except rent authorized under sections -46
13 and -66 and except expenditures authorized under
14 sections -32(b) and -52(b) may be paid;

15 (5) The premises in which a proposed bingo or raffle
16 occasion will be conducted are adequate and suitable
17 for the conduct of bingo or raffles and are owned by
18 the applicant, another licensed organization, or the
19 public, or are used by the applicant organization on a
20 regular basis for purposes other than bingo or raffles
21 and that no benefits of any kind are proposed to be



1 transferred as rent for the premises, except as
2 permitted under paragraph (4); and

3 (6) The profits from all bingo or raffle games conducted
4 by the applicant organization are proposed to be used
5 as provided under sections -32(b) and -52(b) or
6 for a lawful purpose which is a proper objective of
7 the applicant organization.

8 § -25 Issuance of license to conduct bingo or raffles.

9 (a) Within sixty days after the filing of an application for a
10 license to conduct bingo or raffles, the department, after
11 making the determinations under section -24, shall either
12 notify the applicant organization in writing why a license is
13 not being issued or issue a license to the applicant
14 organization authorizing it to conduct bingo or raffles at the
15 times and places set forth in the license. Except for limited
16 period bingo, an applicant organization shall not be authorized
17 to conduct or cosponsor more than twenty-six bingo occasions in
18 any year or more than five bingo occasions in any month. An
19 applicant organization holding a regular license, in addition,
20 may be issued one limited period bingo license during the
21 twelve-month period from the date of issuance or renewal of that
22 regular license. An applicant organization not holding a



1 regular bingo license may be issued two limited period licenses
2 within a twelve-month period. A license issued under this
3 subsection shall be effective for one year from the first day of
4 the month of the first occasion listed on the license and may be
5 renewed annually, except that an applicant organization may
6 request that the license expire on the first day of any month
7 within the one-year licensure period.

8 (b) The form of the license shall be prescribed by the
9 board and shall include:

- 10 (1) The name and address of the licensed organization;
11 (2) The name and address of each supervising member of the
12 licensee under whom each bingo or raffle occasion is
13 to be conducted;
14 (3) The place, date, and time when each bingo or raffle
15 occasion is to be held;
16 (4) The specific purposes to which the profits of each
17 bingo or raffle occasion will be devoted; and
18 (5) Other information which the board deems necessary to
19 administer this chapter.

20 (c) Each license, and all amendments thereto, shall be
21 conspicuously displayed at the place where a bingo or raffle
22 occasion is conducted and at all times during the conduct



1 thereof so as to be easily readable by any patron of the bingo
2 or raffle occasion.

3 (d) Within ten days after the issuance of a license to
4 conduct bingo or raffles and at least five days prior to the
5 first bingo or raffle occasion each year as authorized by the
6 license, or amendments thereto, the department shall send
7 written notice of the issuance, or amendment, of the license to
8 the prosecuting attorney of the county in which any bingo or
9 raffle occasion is to be conducted. The notice shall indicate
10 the time, place, and sponsoring licensed organizations for each
11 authorized bingo or raffle occasion.

12 § -26 Amendment of license to conduct bingo or raffles.

13 Upon application by a licensed organization, a license may be
14 amended, if the subject matter of the amendment properly and
15 lawfully could have been included in the original license. An
16 application for an amendment to a license shall be filed and
17 processed in the same manner as an original application. An
18 application for the amendment of a license shall be accompanied
19 by a \$3 fee. If any application for amendment seeks approval of
20 additional bingo or raffle occasions or designates new
21 supervising members or a member responsible for the proper
22 utilization of gross receipts, the appropriate fee under section



1 -23 also shall be paid. If the department approves an
2 application for an amendment to a license, a copy of the
3 amendment shall be sent to the applicant who shall attach it to
4 the original license.

5 § -27 Denial of application; hearing. If the department
6 denies a license to conduct bingo or raffles, within ten days
7 after receiving written notification of the denial, an applicant
8 may demand in writing a hearing before the board upon the
9 applicant's qualifications and the merit of the application. At
10 the hearing, the burden of proof shall be on the applicant to
11 establish the applicant's eligibility for a license. If, after
12 the hearing, the board enters an order denying the application,
13 the order shall set forth in detail the reasons for the denial.
14 Upon entry of such an order or upon the expiration of the ten-
15 day period during which a hearing may be demanded, the
16 applicant's license fee shall be refunded less reasonable
17 administrative costs. If the board approves the application,
18 the department shall issue the license within fourteen days
19 after approval.

20 § -28 Suspension or revocation. (a) Proceedings to
21 suspend or revoke a license to conduct bingo or raffles shall be
22 initiated by the board pursuant to chapter 91. The notice shall



1 state the alleged violations which constitute the grounds for
2 the proceedings. The department may temporarily suspend the
3 license for a period of thirty days while any proceedings are
4 pending, and shall notify the licensee of the dates of the
5 temporary suspension.

6 (b) The department shall notify an officer or agent of the
7 licensee of the time and place of the hearing by registered
8 mail, return receipt requested, at least fifteen days before the
9 hearing.

10 (c) The board shall hold a hearing on a suspension or
11 proposed revocation as soon as practicable. The board shall
12 issue, in writing, its findings and decision on suspension or
13 revocation within thirty days after the hearing. A copy of the
14 findings and decision shall be sent immediately to the licensee.
15 If the board suspends or revokes the license, the licensee shall
16 be informed of the effective date of the suspension or
17 revocation. The board's decision under this section shall be
18 subject to judicial review pursuant to section 91-14.

19 (d) When a license is suspended or revoked by the board,
20 the licensee shall immediately surrender the license to the
21 board. A licensee whose license has been revoked may reapply
22 for a license one year after the effective date of the



1 revocation. If a license has been suspended under subsection
2 (c), the department shall reinstate the license at the end of
3 the period of suspension.

4 (e) A violation of any applicable law of this State or
5 rule adopted thereunder shall constitute grounds for suspension
6 or revocation.

7 **PART IV. CONDUCT OF BINGO**

8 **§ -31 Restrictions on the conduct of bingo.** (a) Only a
9 person licensed under section -25 shall conduct bingo.

10 (b) Bingo shall be played only on premises which are:

11 (1) Owned by a licensed organization;

12 (2) Publicly owned;

13 (3) Owned by another licensed organization;

14 (4) Used regularly by the licensed organization for a
15 purpose other than bingo, except that a tent that has
16 been rented, borrowed, or donated may be used at a
17 limited period bingo occasion; or

18 (5) Made available without charge.

19 (c) Not more than fifty-four occasions of regular bingo
20 may be played at any one building, tent, enclosure, or outdoor
21 area in any calendar year.



1 (d) Bingo may not be conducted at a place owned, operated,
2 or controlled by a person who has been convicted of having
3 operated a gambling place within the past five years.

4 (e) Except for limited period bingo, only persons who pay
5 for regular bingo cards may participate as a player in a regular
6 or special bingo game.

7 (f) Purchase of a regular bingo card shall entitle each
8 player to a place with sufficient room in which to play.

9 (g) A licensed organization or its members or agents shall
10 accept only cash payment for any bingo card.

11 **§ -32 Profits for lawful purposes or organization**

12 **benefit.** (a) Except as provided under subsection (b), the
13 profits from any bingo game shall be devoted exclusively to a
14 lawful purpose of the licensed organization.

15 (b) No more than fifteen per cent of the profits from any
16 bingo game may be used for the advancement, improvement, or
17 benefit of the licensed organization that conducts the bingo
18 game.

19 **§ -33 Limitation on prizes.** (a) No prize in a single
20 bingo game shall exceed \$500. The aggregate value of prizes at
21 any bingo occasion shall not exceed \$3,000 except by the amount



1 resulting from the awarding of minimum prizes under section
2 -43.

3 (b) No licensed organization shall award any prize
4 consisting of alcoholic or fermented malt beverages or an
5 interest in real estate or securities.

6 (c) No bonus or additional prizes shall be awarded on the
7 basis of either a specific arrangement of the numbers or type of
8 card required to win a game. No prize shall be determined on
9 the basis of a specified number of calls.

10 (d) If any merchandise prize is awarded in a bingo game,
11 its value shall be its current retail price. The current retail
12 price of merchandise prizes donated to a licensed organization
13 shall not be reported as an expenditure in its financial
14 statement of bingo operations. No merchandise prize shall be
15 redeemable or convertible into cash directly or indirectly by
16 the licensed organization.

17 § -34 Management and operation of bingo. (a) Only a
18 bona fide and active member of the licensed organization, a bona
19 fide and active member of the auxiliary of the licensed
20 organization or the parent organization, or the spouse of such a
21 member, may participate in the management or operation of a
22 bingo occasion.



1 (b) No person shall receive remuneration for participating
2 in the management or operation of any bingo game.

3 § -35 **Minimum age requirement.** No person under age
4 eighteen shall:

5 (1) Play any bingo game conducted by a licensed
6 organization, unless accompanied by that person's
7 parent, guardian, or spouse; or

8 (2) Conduct or assist in the conduct of bingo.

9 § -36 **Only certain expenses permitted.** No expense may
10 be incurred or amounts paid in connection with the conduct of
11 bingo by a licensed organization, except those reasonably and
12 necessarily expended for bingo supplies and equipment, including
13 blowers, flashboards, tables, chairs, public address systems,
14 bingo cards, markers, filing cabinets, and signs, and for
15 prizes, utilities, license fees and taxes, fees regularly
16 charged by the State or a county for use of a public premise,
17 printing of bingo forms and house rules, repairs to bingo
18 equipment, and rent authorized under section -46.

19 § -37 **Winners and prizes; same day.** Each bingo winner
20 shall be determined and every prize shall be awarded and
21 delivered on the same day on which the bingo occasion is
22 conducted.



1 § -38 **Bingo cards.** (a) Bingo cards shall be printed
2 only on one side.

3 (b) The licensed organization shall keep an accurate,
4 separate count of the number of regular bingo cards, extra
5 regular cards, and special bingo cards which are sold, rented,
6 or used. The information shall be available for inspection at
7 the close of the bingo occasion.

8 (c) Regular bingo cards, extra regular cards, and special
9 bingo cards shall each be assigned a specific price, and the
10 price shall remain the same during a bingo occasion. At any
11 time during a bingo occasion, a card may be changed at no
12 additional cost. Cards shall be sold or rented only on the
13 premises at which bingo is being conducted. A price list shall
14 be posted where the regular bingo cards are distributed, setting
15 forth the price of each type of card. Only the posted price may
16 be charged. The regular bingo cards and the extra regular cards
17 shall be readily distinguishable from each other.

18 § -39 **Method of play.** (a) The method of play in any
19 bingo game and the utilization of bingo equipment and supplies
20 shall be that each player is afforded an equal opportunity to
21 win.



1 (b) The objects to be drawn shall be essentially the same
2 in size, color, shape, weight, balance, and all other
3 characteristics, so that at all times during the conduct of
4 bingo, each object possesses the capacity for equal agitation
5 with any other object within the receptacle.

6 (c) All seventy-five objects shall be present in the
7 receptacle at the beginning of each bingo game.

8 (d) The announcement of all numbers drawn shall be clearly
9 audible to the players present.

10 (e) When more than one room is used for any one bingo
11 game, the receptacle and caller and any assistant shall be in
12 the room where the greatest number of players are present; and
13 all numbers shall be announced in a manner clearly audible to
14 the players in each room.

15 (f) Once removed, no object shall be returned to the
16 receptacle until after the conclusion of the game.

17 (g) Immediately following the calling of each number in a
18 bingo game, the caller shall turn that portion of the object
19 which shows the number and letter to the players.

20 § -40 Number arrangement announced; prizes announced and
21 posted. The particular arrangement of numbers required to be
22 covered in order to win and the amount of the prize for each



1 game shall be clearly described and audibly announced to the
2 players immediately before each game. The amount of the prize
3 for each bingo game also shall be posted where the regular bingo
4 cards are distributed.

5 **§ -41 Verification of winner.** (a) The numbers
6 appearing on the winning card at the time a winner is determined
7 shall be verified in the immediate presence of at least one
8 disinterested person.

9 (b) At the time a winner is determined, any player may
10 call for a verification of all numbers and of the objects
11 remaining in the receptacle and not yet drawn. This
12 verification shall be made in the immediate presence of the
13 supervising member and at least one disinterested person.

14 **§ -42 Limit on number of bingo games.** Except for
15 limited period bingo, no licensed organization shall conduct
16 more than thirty-five bingo games, including regular and special
17 games, on a single bingo occasion.

18 **§ -43 More than one winner.** When more than one player
19 is found to be the winner on the call of the same number in the
20 same bingo game, a cash prize shall be divided equally among the
21 winners. The licensed organization may elect to round off the
22 prize to any amount between the next lower dollar and the next



1 higher dollar. Any licensed organization may elect to set a
2 minimum prize not exceeding \$10 for each winner. When equal
3 division of a merchandize prize is not possible, identical
4 substitute prizes whose aggregate retail value is approximately
5 equal to that of the designated prize may be awarded or a cash
6 prize equal to the retail value may be divided among the winners
7 as provided in this section.

8 § -44 **Prohibited from playing.** No licensed organization
9 shall permit any person who is conducting or assisting in the
10 conduct of bingo on a bingo occasion to participate as a player
11 on that occasion.

12 § -45 **Bingo caller.** No person may act as a caller in
13 the conduct of any game of bingo unless the person:

14 (1) Has been a member in good standing of the licensed
15 organization, the auxiliary of the licensed
16 organization or the parent organization, or a member
17 of the local unit of the religious organization of
18 which the licensed organization is a member for at
19 least one year immediately preceding the date of the
20 game or is the spouse of such a member; and



1 (2) Has never been convicted of a felony or, if convicted,
2 has been pardoned or released from probation or parole
3 for at least five years.

4 § -46 Rent. Except as provided under section -32, a
5 licensed organization may incur and pay rent in connection with
6 the conduct of bingo only:

7 (1) If for a tent rented for use at a limited bingo
8 occasion and the rent incurred and paid is reasonable;
9 or

10 (2) If it does not rent from itself and the rent is for
11 premises used for a bingo occasion and does not exceed
12 an amount equal to ten per cent of the aggregate value
13 of prizes offered at the bingo occasion.

14 § -47 Limited period bingo. (a) In this section,
15 "licensee" means a person licensed to conduct limited period
16 bingo.

17 (b) No licensee shall conduct more than sixty games of
18 limited period bingo on a single bingo occasion. Limited period
19 bingo may be conducted on two bingo occasions in a single day.

20 (c) No admission fee shall be charged to play limited
21 period bingo.



1 (d) All other provisions in this chapter relating to
2 regular bingo games shall apply to limited period bingo except
3 as otherwise provided.

4 § -48 **Special bingo games.** In addition to provisions in
5 this chapter relating to regular bingo games, the following
6 provisions shall apply to special bingo games:

7 (1) All special bingo cards shall be in a form approved by
8 the board; and

9 (2) Each special bingo card shall be used for one game
10 only and shall be indelibly marked by the player while
11 in use so as to render it void and unusable
12 thereafter.

13 **PART V. CONDUCT OF RAFFLES**

14 § -51 **Restrictions on the conduct of raffle.** (a) Only
15 a person licensed under section -25 shall conduct raffle
16 drawings.

17 (b) Raffle drawings shall be played only on premises which
18 are:

- 19 (1) Owned by a licensed organization;
- 20 (2) Publicly owned;
- 21 (3) Owned by another licensed organization;



1 (4) Used regularly by the licensed organization for a
2 purpose other than raffle games; or

3 (5) Made available without charge.

4 (c) Not more than fifty-four occasions of regular raffle
5 may be played at any one building, tent, enclosure, or outdoor
6 area in any calendar year.

7 (d) Raffles may not be conducted at a place owned,
8 operated, or controlled by a person who has been convicted of
9 having operated a gambling place within the past five years.

10 (e) Only persons who pay for raffle tickets may
11 participate as a player in a regular, monthly, or special raffle
12 drawing.

13 (f) Purchase of any raffle ticket shall entitle each
14 player to a place with sufficient room in which to play.

15 (g) A licensed organization or its members or agents shall
16 accept only cash payment for any raffle ticket.

17 **§ -52 Profits for lawful purposes or organization**
18 **benefit.** (a) Except as provided under subsection (b), the
19 profits from any raffle drawing shall be devoted exclusively to
20 a lawful purpose of the licensed organization.

21 (b) No more than fifteen per cent of the profits from any
22 raffle drawing may be used for the advancement, improvement, or



1 benefit of the licensed organization that conducts the raffle
2 drawing.

3 § -53 Limitation on prizes. (a) No prize in a single
4 raffle drawing shall exceed \$500. The aggregate value of prizes
5 at any raffle occasion shall not exceed \$3,000 except by the
6 amount resulting from the awarding of minimum prizes under
7 section -63.

8 (b) No licensed organization shall award any prize
9 consisting of alcoholic or fermented malt beverages or an
10 interest in real estate or securities.

11 (c) No bonus or additional prizes shall be awarded on the
12 basis of either a specific arrangement of the numbers or type of
13 card required to win a drawing. No prize shall be determined on
14 the basis of a specified number of calls.

15 (d) If any merchandise prize is awarded in a raffle
16 drawing, its value shall be its current retail price. The
17 current retail price of merchandise prizes donated to a licensed
18 organization shall not be reported as an expenditure in its
19 financial statement of raffle operations. No merchandise prize
20 shall be redeemable or convertible into cash directly or
21 indirectly by the licensed organization.



1 § -54 **Management and operation of raffle.** (a) Only a
2 bona fide and active member of the licensed organization, a bona
3 fide and active member of the auxiliary of the licensed
4 organization or the parent organization, or the spouse of such a
5 member, may participate in the management or operation of a
6 raffle drawing.

7 (b) No person shall receive remuneration for participating
8 in the management or operation of any raffle drawing.

9 § -55 **Minimum age requirement.** No person under age
10 eighteen shall:

11 (1) Play in any raffle drawing conducted by a licensed
12 organization, unless accompanied by that person's
13 parent, guardian, or spouse; or

14 (2) Conduct or assist in the conduct of a raffle drawing.

15 § -56 **Only certain expenses permitted.** No expense may
16 be incurred or amounts paid in connection with the conduct of
17 raffles by a licensed organization, except those reasonably and
18 necessarily expended for raffle supplies and equipment,
19 including tables, chairs, public address systems, raffle
20 tickets, markers, filing cabinets, and signs, and for prizes,
21 utilities, license fees and taxes, fees regularly charged by the
22 State or a county for use of a public premise, printing of



1 raffle forms and house rules, repairs to raffle equipment, and
2 rent authorized under section -66.

3 § -57 **Winners and prizes; same day.** Each raffle drawing
4 winner shall be determined and every prize shall be awarded and
5 delivered on the same day on which the raffle drawing is
6 conducted.

7 § -58 **Tickets; drawings.** (a) All regular and monthly
8 raffle tickets shall be identical in form and include:

- 9 (1) The number of the license issued by the board;
- 10 (2) The name and address of the sponsoring organization;
- 11 (3) The price of the ticket;
- 12 (4) A place for the purchaser to enter the purchaser's
13 name and address;
- 14 (5) The date and place of the drawing; and
- 15 (6) A list of each prize to be awarded which has a retail
16 value of \$500.

17 (b) No raffle ticket may exceed \$10 in cost.

18 (c) No person may sell raffle tickets unless authorized by
19 an organization licensed under this part.

20 (d) Tickets for a proposed regular raffle may not be
21 offered for sale more than one hundred eighty days preceding the
22 raffle drawing. Tickets for a proposed monthly raffle may not



1 be offered for sale more than thirty-one days preceding the
2 raffle drawing.

3 (e) All raffle drawings shall be held in public.

4 (f) All prizes shall be awarded. The purchaser of a
5 ticket need not be present at the drawing to win a prize.

6 (g) If a raffle drawing is canceled, the organization
7 shall refund the receipts to the ticket purchasers.

8 § -59 Method of play. (a) The method of play in any
9 raffle drawing and the utilization of raffle equipment and
10 supplies shall be that each player is afforded an equal
11 opportunity to win.

12 (b) The tickets to be drawn shall be essentially the same
13 in size, color, shape, weight, balance, and all other
14 characteristics, so that at all times during the drawing, each
15 object possesses the capacity for equal agitation with any other
16 ticket within the receptacle.

17 (c) All tickets shall be present in the receptacle at the
18 beginning of each raffle drawing.

19 (d) The announcement of all numbers drawn shall be clearly
20 audible to the players present.

21 (e) When more than one room is used for any one raffle
22 drawing, the receptacle and caller and any assistant shall be in



1 the room where the greatest number of players are present; and
2 all numbers shall be announced in a manner clearly audible to
3 the players in each room.

4 (f) Once removed, no ticket shall be returned to the
5 receptacle until after the conclusion of the drawing.

6 (g) Immediately following the calling of each number in a
7 raffle drawing, the caller shall turn that portion of the raffle
8 ticket which shows the number and letter to the players.

9 § -60 Prizes announced and posted. The particular prize
10 and the amount of the prize for each drawing shall be clearly
11 described and audibly announced to the players immediately
12 before each drawing. The amount of the prize for each raffle
13 drawing shall also be posted where the regular raffle tickets
14 are distributed.

15 § -61 Verification of winner. (a) The numbers called
16 at the time a winner is determined shall be verified in the
17 immediate presence of at least one disinterested person.

18 (b) At the time a winner is determined, any player may
19 call for a verification of all numbers and of the objects
20 remaining in the receptacle and not yet drawn. This
21 verification shall be made in the immediate presence of the
22 supervising member and at least one disinterested person.



1 § -62 **Limit on number of raffle drawings.** No licensed
2 organization shall conduct more than thirty-five raffle
3 drawings, including regular and special drawings, on a single
4 raffle occasion.

5 § -63 **More than one winner.** Through error, if more than
6 one player is found to be the winner on the call of the same
7 number in the same raffle drawing, a cash prize shall be divided
8 equally among the winners. The licensed organization may elect
9 to round off the prize to any amount between the next lower
10 dollar and the next higher dollar. When equal division of a
11 merchandize prize is not possible, identical substitute prizes
12 whose aggregate retail value is approximately equal to that of
13 the designated prize may be awarded or a cash prize equal to the
14 retail value may be divided among the winners as provided in
15 this section.

16 § -64 **Prohibited from playing.** No licensed organization
17 shall permit any person who is conducting or assisting in the
18 conduct of raffle drawings to participate as a player on that
19 occasion.

20 § -65 **Raffle caller.** No person may act as a caller in
21 the conduct of any raffle drawing unless the person:



1 (1) Has been a member in good standing of the licensed
2 organization, the auxiliary of the licensed
3 organization or the parent organization, or a member
4 of the local unit of the religious organization of
5 which the licensed organization is a member for at
6 least one year immediately preceding the date of the
7 drawing or is the spouse of such a member; and

8 (2) Has never been convicted of a felony or, if convicted,
9 has been pardoned or released from probation or parole
10 for at least five years.

11 § -66 Rent. Except as provided under section -52, a
12 licensed organization may incur and pay rent in connection with
13 the conduct of raffle only:

14 (1) If for a tent rented for use at a raffle drawing and
15 the rent incurred and paid is reasonable; or

16 (2) If it does not rent from itself and the rent is for
17 premises used for a raffle occasion and does not
18 exceed an amount equal to ten per cent of the
19 aggregate value of prizes offered at the raffle
20 occasion.



1 § -67 **Special raffle drawings.** In addition to
2 provisions in this chapter relating to regular raffle drawings,
3 the following provisions shall apply to special raffle drawings:

4 (1) All special raffle tickets shall be in a form approved
5 by the board; and

6 (2) Each special raffle ticket shall be used for one
7 drawing only and shall be indelibly marked by the
8 player while in use so as to render it void and
9 unusable thereafter.

10 § -68 **Records.** Each organization licensed to conduct
11 raffles shall maintain a list of the names and addresses of all
12 persons winning prizes with a retail value of \$100 or more, and
13 the prizes won, during the preceding calendar year. The list
14 shall be available at reasonable times for public examination
15 and shall be provided to the department upon request.

16 **PART VI. REPORTS AND FINANCIAL STATEMENTS**

17 § -71 **Report of bingo operations.** (a) Within fifteen
18 days after the conclusion of each bingo or raffle occasion, each
19 licensed organization shall execute and file a report of bingo
20 or raffle operations on a form prescribed by the board. The
21 licensed organization shall retain a copy of the report for its
22 permanent records. The report shall include:



- 1 (1) The name and address of each supervising member and
2 each member responsible for the proper utilization of
3 gross receipts;
- 4 (2) The date, hour, and address of the bingo or raffle
5 occasion;
- 6 (3) The number of games played;
- 7 (4) An itemized statement of the gross receipts from the
8 bingo or raffle occasion, including gross receipts
9 from sales of regular raffle tickets, special raffle
10 tickets, monthly raffle tickets, regular bingo cards,
11 extra regular cards, special game cards, and sale of
12 supplies;
- 13 (5) An itemized statement of expenditures, including
14 amounts paid for prizes, bingo or raffle supplies and
15 equipment, license fees, and other expenses;
- 16 (6) An itemized statement of expenditures, if any, made by
17 the licensed organization under sections -32(b) and
18 -52(b);
- 19 (7) A statement showing the balance in the licensed
20 organization's bingo or raffle account and bingo or
21 raffle savings accounts and other deposits into or



1 adjustments in the accounts since the last filing
2 date; and

3 (8) The name of the depository and the title and number of
4 the account.

5 (b) The report shall be signed by the member responsible
6 for the proper utilization of gross receipts for the bingo or
7 raffle occasions.

8 (c) If no bingo or raffle games are held on a date when a
9 license authorizes them to be held, a report to that effect
10 shall be filed with the board.

11 § -72 Reports improperly filed. (a) The department may
12 refuse to renew a license of an organization found to be
13 delinquent in filing its financial statement or found to have
14 filed an incomplete statement of bingo or raffle operations.

15 (b) If a licensed organization fails to file a financial
16 statement of bingo or raffle operations within five days after
17 notification by the department of the delinquency, the
18 department may suspend the license, pending the filing of the
19 financial statement.

20 (c) If the financial statement filed by a licensed
21 organization is not fully, accurately, and truthfully completed,
22 the department may refuse to renew a license or may suspend a



1 license until such time as a statement in proper form has been
2 filed.

3 § -73 **Unlawful purpose; reimbursement and waiver.** If a
4 financial audit of a licensed organization shows that bingo or
5 raffle funds were disbursed for a purpose which is not a lawful
6 purpose and the department requests that the licensed
7 organization reimburse the appropriate bingo or raffle account
8 in an amount equal to the amount so disbursed, the licensed
9 organization may appeal the request to the board. The board may
10 waive or reduce the amount of any reimbursement if the licensed
11 organization presents evidence satisfactory to the board that
12 the licensed organization acted in good faith and by mistake or
13 inadvertently in so disbursing the funds.

14 § -74 **Financial report to membership.** (a) At least
15 once a year, each licensed organization shall report the
16 following information in writing to its membership regarding the
17 bingo or raffle occasions which it has conducted:

- 18 (1) The number of bingo or raffle occasions conducted;
19 (2) The gross receipts;
20 (3) The amount of prizes paid;
21 (4) The net profit or loss;
22 (5) The disposition of profits;



1 (6) Any interest earned on profits deposited in interest-
2 bearing accounts; and

3 (7) A summary of expenses incurred.

4 (b) The information reported under subsection (a) shall be
5 incorporated into the minutes or records of each licensed
6 organization. If a licensed organization is an auxiliary or
7 affiliate of a parent organization, a copy of the written report
8 shall be filed with the executive officer of the parent
9 organization and incorporated into its minutes. A copy of the
10 financial report to the membership shall be mailed to the board
11 within sixty days after the close of an organization's annual
12 accounting period.

13 § -75 Expenditure of bingo or raffle funds after
14 cessation of bingo. A licensed organization which has ceased to
15 conduct bingo or raffles for any reason and has unexpended bingo
16 or raffle funds shall disburse those funds in any of the
17 following ways:

18 (1) For a lawful purpose or as provided under sections
19 -32(b) or -52(b) within one year after the
20 cessation of the conduct of bingo or raffle; or

21 (2) In accordance with a plan of expenditure approved in
22 advance by the board.



1 § -76 Annual financial report. (a) Any organization
2 that has conducted one or more bingo games or raffle drawings
3 during the preceding calendar year, on or before April 15 of the
4 current year, shall report the following information in writing
5 to the board regarding the bingo or raffle games which it has
6 conducted:

- 7 (1) The number and dates of bingo or raffle games
8 conducted;
- 9 (2) The receipts;
- 10 (3) The amount of prizes paid;
- 11 (4) The net profit or loss; and
- 12 (5) The other expenses paid.
- 13 (b) Any organization required to report to the board under
14 subsection (a) that had total receipts from the conduct of bingo
15 games or raffle drawings of more than \$50,000 during the
16 preceding calendar year shall include in its report a list of
17 all the names and addresses of all persons winning prizes with a
18 retail value of \$100 or more, and the prizes won, during the
19 preceding calendar year.
- 20 (c) If a copy of the financial report is not filed or is
21 not fully, accurately, and truthfully completed, the department



1 may refuse to renew a license or may suspend a license until the
2 report in proper form has been filed.

3 **PART VII. ENFORCEMENT**

4 **§ -81 Duties of the attorney general.** (a) Whenever the
5 attorney general files with a circuit court a statement that the
6 attorney general believes that a violation of this chapter has
7 occurred, the court shall issue a subpoena for any person
8 requested or named by the attorney general. Mileage and witness
9 fees need not be paid in advance, but only verified claims for
10 mileage and fees which are approved by the attorney general
11 shall be paid out of the state treasury.

12 (b) Testimony from persons subpoenaed under subsection (a)
13 shall be taken by a stenographic reporter and transcribed and
14 read to or by the witness and subscribed to by the witness,
15 unless the parties represented stipulate upon the record that
16 the reading of the transcript of the testimony to or by the
17 witness and the witness' signature thereto are waived and that
18 the transcript may be used with like force and effect as if read
19 and subscribed by the witness. The attendance of the witness
20 for the purpose of reading and subscribing to the transcript may
21 be compelled in the same manner that the witness' attendance to
22 be examined may be compelled.



1 § -82 Violations a public nuisance. A violation of this
2 chapter constitutes a public nuisance and may be enjoined or
3 abated in like manner as other public nuisances, irrespective of
4 any criminal prosecution which may be or is commenced based on
5 the same acts.

6 § -83 Inspection for enforcement. Any peace officer or
7 prosecuting attorney, within their respective jurisdictions, or
8 an authorized employee of the department, at all reasonable
9 hours, may enter the premises where a bingo or raffle game is
10 being conducted and examine the books, papers, and records of
11 the licensed organization to determine if all proper taxes or
12 fees imposed have been paid. Any refusal to permit an
13 examination of the premises by the licensed organization, its
14 agent or employee, or the person in charge of the premises to
15 which the bingo or raffle license relates, constitutes
16 sufficient grounds for the suspension or revocation of a
17 license, and is punishable under section -100(b). In
18 addition, the refusal constitutes sufficient grounds for any
19 peace officer or other persons authorized under this section
20 within their respective jurisdictions or authority to employ
21 whatever reasonable action is necessary to conduct inspections
22 permitted by this section.



1 PART VIII. GROSS RECEIPTS TAX

2 § -91 Tax on gross receipts. All gross receipts of any
3 licensed organization which are derived from the conduct of
4 bingo or raffles shall be subject to chapter 237 and taxed as
5 provided in section 237-13(9).

6 PART IX. PENALTIES

7 § -100 Penalties. (a) Any person convicted of
8 violating section -31(a) or (b), -32, -33, -34,
9 -42, -51(a) or (b), -52, -53, -54, or -62
10 shall be guilty of a misdemeanor.

11 (b) Any person who violates any other provision of this
12 chapter shall be guilty of a petty misdemeanor.

13 (c) The attorney general or the prosecuting attorney of
14 the county where the violation occurs may commence an action in
15 the name of the State to recover a civil forfeiture to the State
16 of not more than \$50,000 for the violation of subsection (a) and
17 not more than \$10,000 for the violation of subsection (b) of
18 this section.

19 (d) The attorney general, the board, or the prosecuting
20 attorney of a county in which an actual or potential violation
21 occurs, after informing the attorney general, may commence an
22 action in the circuit court in the name of the State to restrain



1 any violation of any provision of this chapter. The court,
2 prior to entry of final judgment, may make such an order or
3 judgment as necessary to restore to any person any pecuniary
4 loss suffered because of the acts or practices involved in the
5 violation, provided proof thereof is submitted to the court.
6 The attorney general may subpoena persons, require the
7 production of books and other documents, and request the board
8 to exercise its authority to aid in the investigation of alleged
9 violations of this section.

10 **PART X. MISCELLANEOUS**

11 § -120 **Lawful activity.** Any other state or county law,
12 ordinance, or rule, include chapter 712, providing any penalty,
13 disability, restriction, regulation, or prohibition for the
14 manufacture, transportation, storage, distribution, advertising,
15 possession, or sale of paraphernalia used for or in connection
16 with the operation of any bingo or raffle game shall not apply
17 to the activities authorized under this chapter."

18 SECTION 2. Section 237-23, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) The exemptions enumerated in subsection (a) (3) to (7)
21 shall apply only:



- 1 (1) To those persons who shall have registered with the
2 department of taxation by filing a written application
3 for registration in such form as the department shall
4 prescribe, shall have paid the registration fee of
5 \$20, and shall have had the exemption allowed by the
6 department or by a court or tribunal of competent
7 jurisdiction upon appeal from any assessment resulting
8 from disallowance of the exemption by the department;
- 9 (2) To activities from which no profit inures to the
10 benefit of any private stockholder or individual,
11 except for death or other benefits to the members of
12 fraternal societies; and
- 13 (3) To the fraternal, religious, charitable, scientific,
14 educational, communal, or social welfare activities of
15 such persons, or to the activities of hospitals,
16 infirmaries, sanitarium, and potable water companies,
17 and not to any activity the primary purpose of which
18 is to produce income even though the income is to be
19 used for or in furtherance of the exempt activities of
20 such persons. The exemption shall not apply to the
21 conduct of bingo or raffle games."



1 SECTION 3. 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 [~~1~~] "Advance gambling activity". A person "advances
7 gambling activity" if [~~he~~] that 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
19 being used with [~~his~~] the person's knowledge for purposes of
20 gambling activity, [~~he~~] the person permits that activity to
21 occur or continue or makes no effort to prevent its occurrence
22 or continuation. A person advances gambling activity if [~~he~~]



1 that person plays or participates in any form of gambling
2 activity.

3 [~~2~~] "Bookmaking" means advancing gambling activity by
4 accepting bets from members of the public upon the outcomes of
5 future contingent events.

6 [~~3~~] "Contest of chance" means any contest, game, gaming
7 scheme, or gaming device in which the outcome depends in a
8 material degree upon an element of chance, notwithstanding that
9 skill of the contestants may also be a factor therein.

10 [~~4~~] "Gambling". A person engages in gambling if [~~he~~]
11 that person stakes or risks something of value upon the outcome
12 of a contest of chance or a future contingent event not under
13 [~~his~~] that person's control or influence, upon an agreement or
14 understanding that [~~he~~] the person or someone else will receive
15 something of value in the event of a certain outcome. Gambling
16 does not include bona fide business transactions valid under the
17 law of contracts, including but not limited to contracts for the
18 purchase or sale at a future date of securities or commodities,
19 and agreements to compensate for loss caused by the happening of
20 chance, including but not limited to contracts of indemnity or
21 guaranty and life, health, or accident insurance. Gambling does



1 not include the conduct of bingo or raffles licensed under
2 chapter _____.

3 ~~[(5)]~~ "Gambling device" means any device, machine,
4 paraphernalia, or equipment that is used or usable in the
5 playing phases of any gambling activity, whether that activity
6 consists of gambling between persons or gambling by a person
7 involving the playing of a machine. However, lottery tickets
8 and other items used in the playing phases of lottery schemes
9 are not gambling devices within this definition.

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

11 (a) The players pay or agree to pay something of value for
12 chances, represented and differentiated by numbers or
13 by combinations of numbers or by some other medium,
14 one or more of which chances are to be designated the
15 winning ones; and

16 (b) The winning chances are to be determined by a drawing
17 or by some other method based on an element of chance;
18 and

19 (c) The holders of the winning chances are to receive
20 something of value.

21 ~~[(7)]~~ "Mutuel" means a form of lottery in which the
22 winning chances or plays are not determined upon the basis of a



1 drawing or other act on the part of persons conducting or
2 connected with the scheme, but upon the basis of the outcome or
3 outcomes of a future contingent event or events otherwise
4 unrelated to the particular scheme.

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

7 ~~[(9)]~~ "Profit from gambling activity". A person "profits
8 from gambling activity" if ~~[he]~~ that person accepts or receives
9 money or other property pursuant to an agreement or
10 understanding with any person whereby ~~[he]~~ the person
11 participates or is to participate in the proceeds of gambling
12 activity.

13 ~~[(10)]~~ "Social gambling" is defined in section 712-1231.

14 ~~[(11)]~~ "Something of value" means any money or property,
15 any token, object, or article exchangeable for money or
16 property, or any form of credit or promise directly or
17 indirectly contemplating transfer of money or property or of any
18 interest therein, or involving extension of a service or
19 entertainment."

20 SECTION 4. Raffles and bingo games shall be governed and
21 subject to the provisions of chapter , Hawaii Revised



1 Statutes, and part III of chapter 712, Hawaii Revised Statutes
2 shall not apply.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2013, and
6 shall be repealed on June 30, 2018; provided that section 237-
7 23(b), Hawaii Revised Statutes, and the definition of "gambling"
8 in section 712-1220, Hawaii Revised Statutes, shall be reenacted
9 in the form in which they read on the day prior to the effective
10 date of this Act.

11

INTRODUCED BY:

Alan Hui



S.B. NO. 1250

Report Title:

Gaming; Bingo; Raffles; Licensing; Recreation Activities Control Board

Description:

Establishes laws to strictly regulate bingo games and raffles in the State. Authorizes any religious, charitable, service, fraternal, tax-exempt, or veterans' organization to apply for a license to conduct bingo games and raffles. Establishes a recreational activities control board to regulate organizations licensed to conduct bingo games and raffles. Repeals 6/30/2018.

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

