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## A BILL FOR AN ACT

RELATING TO CRIME.

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

1           SECTION 1. The legislature finds that a number of property  
2 owners, who often own multiple properties in the State, are  
3 allowing their tenants to conduct illegal activities on those  
4 properties, including gambling and drug activity.

5           The purpose of this Act is to increase the penalties for  
6 certain drug- and gambling-related offenses in order to deter  
7 property owners from allowing those illegal activities on their  
8 properties.

9           SECTION 2. Section 329-41, Hawaii Revised Statutes, is  
10 amended by amending subsection (c) to read as follows:

11           "(c) Any person who violates this section is guilty of a  
12 class C felony[-]; provided that a person who violates  
13 subsection (a) (5) is guilty of a class B felony."

14           SECTION 3. Section 706-606.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (1) to read as follows:

16           "(1) Notwithstanding section 706-669 and any other law to  
17 the contrary, any person convicted of murder in the second



1 degree, any class A felony, any class B felony, or any of the  
2 following class C felonies:

3 (a) Section 134-7 relating to persons prohibited from  
4 owning, possessing, or controlling firearms or  
5 ammunition;

6 (b) Section 134-8 relating to ownership, etc., of certain  
7 prohibited weapons;

8 (c) Section 134-17 only as it relates to providing false  
9 information or evidence to obtain a permit under  
10 section 134-9;

11 (d) Section 188-23 relating to possession or use of  
12 explosives, electrofishing devices, and poisonous  
13 substances in state waters;

14 (e) Section 386-98(d)(1) relating to fraud violations and  
15 penalties;

16 (f) Section 431:2-403(b)(2) relating to insurance fraud;

17 (g) Section 707-703 relating to negligent homicide in the  
18 second degree;

19 (h) Section 707-711 relating to assault in the second  
20 degree;



- 1 (i) Section 707-713 relating to reckless endangering in
- 2 the first degree;
- 3 (j) Section 707-716 relating to terroristic threatening in
- 4 the first degree;
- 5 (k) Section 707-721 relating to unlawful imprisonment in
- 6 the first degree;
- 7 (l) Section 707-732 relating to sexual assault in the
- 8 third degree;
- 9 (m) Section 707-752 relating to promoting child abuse in
- 10 the third degree;
- 11 (n) Section 707-757 relating to electronic enticement of a
- 12 child in the second degree;
- 13 (o) Section 707-766 relating to extortion in the second
- 14 degree;
- 15 (p) Section 708-811 relating to burglary in the second
- 16 degree;
- 17 (q) Section 708-821 relating to criminal property damage
- 18 in the second degree;
- 19 (r) Section 708-831 relating to theft in the second
- 20 degree;
- 21 (s) Section 708-835.5 relating to theft of livestock;



- 1 (t) Section 708-836 relating to unauthorized control of  
2 propelled vehicle;
- 3 (u) Section 708-839.55 relating to unauthorized possession  
4 of confidential personal information;
- 5 (v) Section 708-839.8 relating to identity theft in the  
6 third degree;
- 7 (w) Section 708-852 relating to forgery in the second  
8 degree;
- 9 (x) Section 708-854 relating to criminal possession of a  
10 forgery device;
- 11 (y) Section 708-875 relating to trademark counterfeiting;
- 12 (z) Section 710-1071 relating to intimidating a witness;
- 13 (aa) Section 711-1103 relating to riot;
- 14 [~~(bb)~~] ~~Section 712-1221 relating to promoting gambling in the~~  
15 ~~first degree;~~
- 16 ~~(ee)~~] (bb) Section 712-1224 relating to possession of  
17 gambling records in the first degree;
- 18 [~~(dd)~~] (cc) Section 712-1247 relating to promoting a  
19 detrimental drug in the first degree; or
- 20 [~~(ee)~~] (dd) Section 846E-9 relating to failure to comply  
21 with covered offender registration requirements,



1 or who is convicted of attempting to commit murder in the second  
2 degree, any class A felony, any class B felony, or any of the  
3 class C felony offenses enumerated above and who has a prior  
4 conviction or prior convictions for the following felonies,  
5 including an attempt to commit the same: murder, murder in the  
6 first or second degree, a class A felony, a class B felony, any  
7 of the class C felony offenses enumerated above, or any felony  
8 conviction of another jurisdiction, shall be sentenced to a  
9 mandatory minimum period of imprisonment without possibility of  
10 parole as provided in subsection (2)."

11 SECTION 4. Section 712-1221, Hawaii Revised Statutes, is  
12 amended by amending subsection (2) to read as follows:

13 "(2) Promoting gambling in the first degree is a class [E]  
14 B felony."

15 SECTION 5. Section 712-1222, Hawaii Revised Statutes, is  
16 amended by amending subsection (2) to read as follows:

17 "(2) Promoting gambling in the second degree is a  
18 [~~misdemeanor~~] class C felony."

19 SECTION 6. Section 712-1222.5, Hawaii Revised Statutes, is  
20 amended by amending subsection (4) to read as follows:



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1            "(4) Promoting gambling aboard ships is a class C  
2 felony[-] if the defendant has violated subsection (1)(c).  
3 Otherwise, promoting gambling aboard ships is a class B felony."

4            SECTION 7. Section 712-1223, Hawaii Revised Statutes, is  
5 amended by amending subsection (2) to read as follows:

6            "(2) Gambling is a [~~misdemeanor-~~] class C felony."

7            SECTION 8. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10           SECTION 9. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12           SECTION 10. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

Del Holt

Chen Todd

And Art

Nadine K. Parker

Sam Clark

John M. Pappas  
John M. Pappas

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# H.B. NO. 159

**Report Title:**

Controlled Substances; Gambling; Criminal Penalties

**Description:**

Increases criminal penalties for anyone who knowingly keeps or maintains any structure or place for the purpose of using controlled substances or which is used for keeping or selling them in violation of controlled substance laws. Increases criminal penalties for those who knowingly profit from or advance gambling.

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

