

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 1342  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1342 entitled:

"A BILL FOR AN ACT RELATING TO ILLEGAL GAMBLING,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Include under the offense of promoting gambling in the first degree the act of hosting activities that advance gambling activity on real property; and
- (2) Require the forfeiture of real property to the State if the real property was used to promote gambling in the first degree by a person in at least three separate incidents and the person was convicted for at least three of those incidents.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that illegal gambling presents a serious risk to public safety and welfare. This is especially true of establishments that chronically house illegal gambling activities.

Although your Committee finds that real property owners, managers, or others who knowingly host gambling activity on real property under their authority or control should be subject to heightened penalties, your Committee notes that under section 712A-5(2)(a), Hawaii Revised Statutes, real property may be subject to forfeiture if the covered offense is chargeable as a felony offense under state law; therefore, this measure makes it more difficult for the State to pursue forfeiture against real property used to host illegal gambling activities because of the requirement of three criminal convictions.

Accordingly, your Committee has amended this measure by:

- (1) Removing language that would have required the forfeiture of real property to the State if the real property was used to promote gambling in the first degree by a person in at least three separate incidents and the person was convicted for at least three of those incidents;
- (2) Expanding the scope of "hosting activities" to include organizing or promoting gambling activities, receiving or entertaining others engaging in gambling, or providing services and resources to others who engage in gambling; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1342, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1342, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,




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KARL RHOADS, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1342	JDC	2/16/21		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura		✓		
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	6	1	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes