

Honolulu, Hawaii

APR - 7 2022

RE: H.B. No. 2197
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2197, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GAMBLING,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the offenses of promoting gambling in the first and second degree to a class B felony and class C felony, respectively; and
- (2) Exclude the offenses of promoting gambling in the first and second degree from qualifying for deferred acceptance of guilty plea or nolo contendere plea.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the American Civil Liberties Union of Hawai'i and two individuals. Your Committee received comments on this measure from the Office of the Public Defender.

Your Committee finds that violent activity in and around illegal gambling houses has increased in recent years, with reports of armed robberies, stabbings, and shootings becoming more



common place. Your Committee further finds that in addition to violent crimes, illegal gambling houses are known for being drug and sex trafficking establishments. This measure will guard the safety and welfare of the State's citizens, particularly in residential neighborhoods, by strengthening existing laws relating to the promotion of gambling.

Your Committee has amended this measure by:

- (1) Changing the requisite state of mind for promoting gambling in the first degree to recklessness;
- (2) Changing the requisite state of mind for promoting gambling in the second degree to criminal negligence;
- (3) Removing language that would have excluded the offenses of promoting gambling in the first and second degree from qualifying for deferred acceptance of guilty plea or nolo contendere plea;
- (4) Excluding simple gambling from the definition of advance gambling activity;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) 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 H.B. No. 2197, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2197, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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



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:		
HB 2197, HD1	JDC	03-30-22		
<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				/
TOTAL	4	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Jana Acasio</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes