

STAND. COM. REP. NO. 1259-22

Honolulu, Hawaii
MAR 23 , 2022

RE: S.B. No. 3189
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3189, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO GAMBLING,"

begs leave to report as follows:

The purpose of this measure is to impose a heightened criminal penalty of a class C felony on persons who repeatedly commit the offenses of gambling, possession of gambling records in the second degree, or possession of a gambling device within ten years.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and one individual. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that illegal gambling houses have a profoundly negative impact on communities across the State, particularly residential neighborhoods. Illegal gambling houses have been shown to attract and foster violence, illicit drugs, sex trafficking, and other dangerous activities. By strengthening the criminal penalties for promoting gambling in the first and second

degree, your Committee believes that persons who work at illegal gambling houses will be deterred from participating in the illegal enterprise.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of H.B. No. 2197, H.D. 1 (Regular Session of 2022), which:
 - (A) Amends the offenses of promoting gambling in the first and second degree to a class B felony and class C felony, respectively; and
 - (B) Excludes the offenses of promoting gambling in the first and second degree from qualifying for deferred acceptance of guilty plea or nolo contendere plea; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3189, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3189, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR1259-22

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

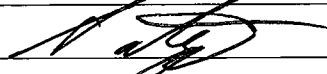
Bill/Resolution No.: SB3189, SD2	Committee Referral: JHA, FIN	Date: 3-17-22
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.				✓
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.				✓
7. McKELVEY, Angus L.K.		✓		
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane				✓
11. WARD, Gene	✓			
TOTAL (11)	7	1	0	3

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
 committee acronym(s)

Vice Chair's or designee's signature: 

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