

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 3189  
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 S.B. No. 3189 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) Impose a heightened penalty of a class C felony for persons who repeatedly commit the offenses of gambling or possession of gambling records in the second degree;
- (2) Raise the criminal penalty to a class C felony for the offense of possession of gambling devices; and
- (3) Direct all forfeited property or proceeds from sales thereof to units of state or local government that administer, manage, operate, or oversee programs addressing homelessness, substance abuse, or compulsive gambling.

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



Your Committee finds that recently there has been a steady rise in complaints involving illegal gambling establishments. These game rooms operate twenty-four hours a day, seven days a week, causing peripheral crimes such as narcotics trafficking, assaults, robberies, thefts, vehicle break-ins, and even homicides. In addition to these peripheral crimes, illegal gambling establishments create a nuisance to the community that includes excessive noise, unnecessary foot traffic, and loitering at all hours. Furthermore, numerous studies have confirmed that gambling causes problems such as bankruptcy, theft, embezzlement, suicide, child abuse and neglect, divorce, incarceration, and homelessness. This measure will allow the State to address the problems caused by gambling establishments.

Your Committee has amended this measure by:

- (1) Making the penalty for the offense of possession of a gambling device a misdemeanor for the first offense and a class C felony for a second or subsequent offense that occurs within ten years of a prior conviction;
- (2) Deleting language that would have directed all forfeited property or proceeds from sales thereof to units of state or local government that administer, manage, operate, or oversee programs addressing homelessness, substance abuse, or compulsive gambling;
- (3) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (4) 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. 3189, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3189, S.D. 1, and be referred to your Committee on Ways and Means.



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

*Karl Rhoads*

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KARL RHOADS, Chair



