



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
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January 23, 2014



GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

The Honorable Karl Rhoads, Chair
And Members of the Committee on Judiciary
House of Representative
State Capitol
Honolulu, HI 96813

RE: House Bill No. 1341 - RELATING TO ANTIQUE GAMBLING
DEVICES

Dear Chair Rhoads and Members of the Committee:

The Maui Police Department opposes the passage of H.B. No. 1341. The passage of this bill defines "antique slot machine" and clarifies that the possession of an antique slot machine is not unlawful where the device is not used or intended for use in any prohibited gambling activity.

This bill will cause unneeded challenges for law enforcement by making the current gambling laws more difficult to enforce. A slot machine antique or not, it is intended for gambling. Though some citizens may intend to use it for personal purposes, it does not mean that these devices could not easily be converted back to their original purpose by someone else.

The Maui Police Department asks that you oppose the passage of H.B. No. 1341.

Thank you for the opportunity to testify.

Sincerely,

GARY A. YABUTA
Chief of Police



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: RICHARD. K. MINATOYA
Deputy Prosecuting Attorney
Supervisor, Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY
ON
HB 1341 - RELATING TO ANTIQUE GAMBLING DEVICES
January 23, 2014

The Honorable Karl Rhoads
Chair
The Honorable Sharon E. Har
Vice Chair
and Members
House Committee on Judiciary

Chair Rhoads, Vice Chair Har and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, OPPOSES HB 1341 - Relating to Antique Gambling Devices. HB 1341 will create a definition for "antique slot machine" and provide that possession of antique slot machines that are not used or intended for use in prohibited gambling activity.

We believe that HB 1341 undermines the current gambling laws by making them harder to enforce. The bill will also cause confusion and make the possession of gambling devices, antique or not, uncontrollable.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, OPPOSES the passage of this bill. We ask that the committee HOLD HB 1341.

Thank you very much for the opportunity to provide testimony on this bill.

HB1341

Submitted on: 1/22/2014

Testimony for JUD on Jan 23, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Riki Karamatsu	Department of the Honolulu Prosecuting Attorney	Comments Only	Yes

Comments: RE: H.B. 1341; RELATING TO ANTIQUE GAMBLING DEVICES. Chair Rhoads, Vice-Chair Har and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following concerns on House Bill 1341. Our department believes this bill is not necessary and it confuses the current law on the possession of gambling devices. Under plain reading of our current law under HRS section 712-1226, it already allows people to possess antique gambling machines if it is not knowingly used in the advancement of gambling activity and is used only for social gambling. The proposed language also uses "not intended to be used in the advancement of gambling activity" whereas, the current law states "knowing" language in regard to the advancement of gambling activity. Thank you for the opportunity to testify on this matter.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE **JI-TA**

January 23, 2014

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 1341, Relating to Antique Gambling Devices

I am Jason Kawabata, Captain of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 1341, Relating to Antique Gambling Devices.

The definition of "advancing gambling activity" in Section 712-1220 of the Hawaii Revised Statutes includes "conduct directed toward . . . the acquisition or maintenance of . . . equipment or apparatus."

While an exemption for antique devices may be intended merely to allow collectors to possess such devices, it would serve as a loophole for those intending to use such machines to illegally advance gambling activity. Furthermore, this bill would place an undue burden on law enforcement in determining the date of manufacture for all gambling devices.

The Honolulu Police Department urges you to oppose House Bill No. 1341, Relating to Antique Gambling Devices.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


LOUIS M. KEALOHA
Chief of Police


JASON KAWABATA, Captain
Narcotics/Vice Division



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Committee on Judiciary

Thursday, January 23, 2014, 2:00 p.m.
HB 1341 Relating to Antique Gambling Machines

Chair Rhoads, Vice-Chair Har and Members of the Judiciary Committee:

The League of Women Voters of Hawaii opposes HB1341, which would make the possession of antique gambling machines legal. This action is not necessary, and in fact, may have harmful consequences. Amending section 712-1226 of the Hawaii Revised Statutes will promote the sale of operable "antique" gambling machines in Hawaii.

We urge you to hold this bill. Thank you for the opportunity to submit testimony.

Susan Dursin
Legislative Committee
League of Women Voters of Hawaii

Hawai'i Coalition Against Legalized Gambling

1124 Fort Street Mall, Suite 209
Honolulu, HI 96813

Member Organizations

Advocates for Consumer Rights
Animal Rights Hawaii
Buddhist Peace Fellowship
Christian Voice of Hawaii
Church of Jesus Christ of
Latter-day Saints
Church of Perfect Liberty
Common Cause Hawaii
Disciples of Christ
Hale Kipa
Hawaii Appleseed Center
for Law & Economic Justice
Hawaii Assemblies of God
Hawaii Association of
International Buddhists
Hawaii Christian Coalition
Hawaii Conference of
Seventh-day Adventists
Hawaii Conference of the United
Church of Christ (UCC)
Hawaii District United Methodist
Church
Hawaii Family Forum
Hawaii Pacific Baptist Convention
Hawaii Rainbow Coalition
Hawaii Religions for Peace
Hawaii Youth Services Network
Honolulu Friends Meeting
(Quakers)
Honolulu Police Department
Institute for Religion and Social
Change
The Interfaith Alliance Hawaii
Kokua Council
League of Women Voters of Hawaii
Life of the Land (Hawaii)
Dr. Martin Luther King, Jr.
Coalition Hawaii
Mestizo Association
Muslim Association & Islamic
Center of Hawaii
Pacific Gateway Center
Presbytery of the Pacific
Saints Constantine & Helen Greek
Orthodox Church
Smart Business Hawaii
Soto Zen Mission of Hawaii
Temple Emanu-El
Windward Coalition of Churches
The Woman's Board of Missions
for the Pacific Islands (UCC)

Cooperating Organizations

Catholic Charities Hawaii
Catholic Diocese of Honolulu
Chamber of Commerce of Honolulu
Hawaii Bankers Association
Hawaii Business Roundtable
Hawaiian Humane Society
Hawaii State PTSA

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon E. Har, Vice Chair

Thursday, January 23, 2014

2:00 p.m.

Conference Room 325

The Hawai'i Coalition Against Legalized Gambling is opposed to HB 1341,
Relating to Antique Gambling Devices.

Section 712-1226 of the Hawaii Revised Statutes already exempts gambling
devices that are used for social gambling. Section 712-1226 also provides that
"A person commits the offense of possession of a gambling device . . . knowing
it is to be used in the advancement of gambling activity that is not social
gambling."

The proposed amendments to Section 712-1226 in HB 1341 will only add
confusion when being enforced by the police. In addition to other problems the
legislation appears to create a special category for 25 year or older "antique"
renovated slot machines that are fully functional gambling devices.

The Hawaii Coalition Against Legalized Gambling urges the Committee on
Judiciary to oppose HB1341.

Respectfully submitted,

Dianne F. Kay, President

HB1341

Submitted on: 1/17/2014

Testimony for JUD on Jan 23, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Chan	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White, LCSW
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

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**TESTIMONY IN OPPOSITION TO
H.B. NO. 1341 – RELATING TO ANTIQUE GAMBLING DEVICES**

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

House Committee on Judiciary
January 23, 2014

Chair Rhoads, Vice Chair Har and Members of the Committee:

The County of Kauai, Office of the Prosecuting Attorney, OPPOSES HB 1341 – Relating to Antique Gambling Devices. HB 1341 will create a definition for "antique slot machine" and provide that possession of antique slot machines that are not used or intended for use in prohibited gambling activity.

We believe that HB 1341 undermines current gambling laws by making them harder to enforce. The bill will also cause confusion and make the possession of gambling devices, antique or not, uncontrollable.

Based on the foregoing, the County of Kauai, Office of the Prosecuting Attorney, OPPOSES the passage of this bill. We ask that the Committee HOLD HB 1341.

Thank you very much for the opportunity to provide testimony on this bill.

Respectfully,

Justin F. Kollar
Prosecuting Attorney



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SEVENTH LEGISLATURE, 2014

ON THE FOLLOWING MEASURE:

H.B. NO. 1341, RELATING TO ANTIQUE GAMBLING DEVICES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, January 23, 2014

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Laura Maeshiro, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General respectfully opposes this bill.

This bill creates a definition for “antique slot machine” and excludes this type of device from Hawaii’s gambling laws under chapter 712, Hawaii Revised Statutes (HRS). The proposed antique gambling device exception will weaken our gambling laws and make it harder for law enforcement to enforce Hawaii’s laws prohibiting gambling.

Section 712-1223, HRS, provides:

- (1) A person commits the offense of gambling if the person *knowingly advances* or participates in any gambling activity.
- (2) Gambling is a misdemeanor.

(Emphasis added.)

Under section 712-1220(1), a person *advances* gambling activity if he engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes “the acquisition or maintenance of premises, **paraphernalia, equipment, or apparatus.**” Just the act of acquiring or maintaining a functioning 25-year-old gambling device such as a slot machine may constitute the advancement of gambling activity, regardless of a person’s intentions on how the device will be used.

Although the bill’s intent is to exclude gambling devices that are at least 25 years old, and not intended to be used to advance gambling activity, there are a myriad of gambling schemes that could potentially fall into this exception. By way of an example, this bill would

allow a collector to create a display or casino with a hundred “antique slot machines” and have people view his collection and even test the machines.

Furthermore, the age of a device holds no bearing as to whether or not it is functional in the playing phases of any gambling activity, and cannot practicably be used to create a separate category for machines in order to exclude them. Creating exceptions, absent a compelling reason, compromises the law and may lead to various interpretations or conduct to avoid criminal culpability.

Accordingly, the Department of the Attorney General respectfully requests that this bill be held.