



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2197, RELATING TO GAMBLING OFFENSES.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Friday, February 2, 2024                      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 016 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Mark S. Tom, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

The purpose of this bill is to amend the definition of “advances gambling activity” to prevent property owners and others from making minimal efforts to prevent the occurrence or continuance of gambling activity on their property to avoid prosecution.

Section 712-1220, Hawaii Revised Statutes (HRS), defines “advances gambling activity” to mean if the person, among other activities:

- (2) Having substantial proprietary control or other authoritative control over premises being used with the person's knowledge for purposes of gambling activity, permits that activity to occur *or continue or makes no effort to prevent its occurrence or continuation*.

This bill removes the last part of that definition, “or continue or makes no effort to prevent its occurrence or continuation,” because under the current provisions of section 712-1220, a proprietor who makes some effort to prevent its occurrence or continuation, no matter how insignificant or ineffective, could then fall outside the definition of advancing gambling activity and possibly avoid prosecution for Promoting Gambling in the first and second degree (section 712-1221 and 712-1222, HRS, respectively).

Illegal game rooms have become such a prolific and lucrative enterprise over the years, that the Honolulu Police Department has indicated that on any given day on

Oahu, there are at least 100 game rooms active<sup>1</sup>. This bill will close a loophole in the gambling laws in the State and assist in prosecuting illegal gambling activity.

We respectfully ask your committee to pass this bill. Thank you for the opportunity to provide support for this bill.

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<sup>1</sup> <https://www.staradvertiser.com/2023/11/16/hawaii-news/illegal-oahu-game-rooms-a-hot-topic-at-town-hall-meeting/> Last accessed January 29, 2024.

**DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**THE HONORABLE KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawai'i**

**Deputy Prosecuting Attorney**

**RE: S.B. 2197; RELATING TO GAMBLING OFFENSES.**

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in **strong support** of S.B. 2197. This bill is part of the Department's 2024 legislative bill package, and we thank you for hearing it.

The purpose of S.B. 2197 is to amend the definition of "advances gambling activity," to delete the phrase: "or makes no effort to prevent its occurrence or continuation." By deleting these ten words, we believe the Legislature could effectively close an existing loophole in our laws, and assist prosecutors in combatting illegal gambling establishments in Hawaii.

"Advances gambling activity" is a key phrase used in Sections 712-1221 and 712-1222 of the Hawaii Revised Statutes ("HRS") (Promoting gambling in the first & second degree), which are the primary sections used to prosecute people involved with illegal gambling establishments.<sup>1</sup> In 2022, our State Legislature passed Act 111, SLH 2022<sup>2</sup>, to better equip county prosecutors in prosecuting these types of establishments, and we thank you for the support.

Since the passage of Act 111, SLH 2022, the Department has strengthened partnerships with relevant units within the Honolulu Police Department, Department of Homeland Security, U.S. Attorney's Office, and other county, state and federal agencies. We have also assigned dedicated resources and personnel within our own office, to assist in coordinating these multi-

<sup>1</sup> Available online at [https://www.capitol.hawaii.gov/hrscurrent/Vol14\\_Ch0701-0853/HRS0712/HRS\\_0712-1221.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0712/HRS_0712-1221.htm) and [https://www.capitol.hawaii.gov/hrscurrent/Vol14\\_Ch0701-0853/HRS0712/HRS\\_0712-1222.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0712/HRS_0712-1222.htm), respectively. Last accessed January 30, 2024.

<sup>2</sup> Available online at:

[https://www.capitol.hawaii.gov/session/archives/measure\\_indiv\\_Archives.aspx?billtype=HB&billnumber=2197&year=2022](https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=HB&billnumber=2197&year=2022). Last accessed on January 30, 2024.

agency efforts, and to more effectively pursue illegal gambling establishments on Oahu. Through these efforts, the Department is currently building cases against those profiting at all levels from these establishments: criminal cases against staff and armed security, civil cases against organizers and/or property owners, and civil asset forfeiture against cash and property.

Unfortunately, one of the provisions that could be most effective in prosecuting “higher level” organizers and/or property owners is hindered by a technicality. As found in HRS §712-1220, the definition of “advances gambling activity” states:

A person "advances gambling activity" if the person:

\* \* \*

- (2) Having substantial proprietary control or other authoritative control over premises being used with the person's knowledge for purposes of gambling activity, permits that activity to occur or continue **or makes no effort to prevent its occurrence or continuation.**<sup>3</sup>

The ten words emphasized in bold (above) effectively bar prosecutors from charging someone with this particular offense, if a defendant has made any effort whatsoever—even a verbal reprimand to a tenant, or to a property manager—to stop the illegal gambling activities occurring on a property. Deleting these words would likely close the loophole, and place more responsibility on these property holders and others involved with these enterprises.

As this Committee is well aware, illegal gambling establishments throughout the state—and perhaps most alarmingly in our residential neighborhoods—have become notorious for attracting and fostering violence, illicit drugs, sex trafficking, and other dangerous activity.<sup>4</sup> This is not a victimless crime, and it is not healthy for our communities. If S.B. 2197 is ultimately enacted, the Department hopes that property owners and others involved will be more motivated to take their responsibilities seriously, and to make more meaningful efforts to stop and/or prevent this type of activity from occurring in the future. And if they are not so motivated, prosecutors will be better equipped to take legal action against them.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **strongly supports** the passage of S.B. 2197. Thank you for the opportunity to testify on this matter

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<sup>3</sup> Available online at [https://www.capitol.hawaii.gov/hrscurrent/Vol14\\_Ch0701-0853/HRS0712/HRS\\_0712-1220.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0712/HRS_0712-1220.htm). Emphasis added. Last accessed January 30, 2024.

<sup>4</sup> See KHON2, “Kapiolani game room shooter sentenced to three 20-year terms,” January 25, 2024. Available online at <https://www.khon2.com/hawaii-crime/game-room-shooter-sentenced-to-three-20-year-terms/>; last accessed January 31, 2024. See also Hawaii News Now, “Illegal game room exposed in latest police raid near Ala Moana Center,” June 30, 2023. Available online at <https://www.hawaiinewsnow.com/2023/06/30/illegal-game-room-exposed-latest-police-raid-near-ala-moana-center/>; last accessed on January 30, 2024.

POLICE DEPARTMENT  
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OUR REFERENCE **ML-HR**

February 2, 2024

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

**SUBJECT: Senate Bill No. 2197, Relating to Gambling Offenses**

I am Mike Lambert, Major of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill 2197, Relating to Gambling Offenses.

Over the past year, the HPD had effected more than 30 search warrants on properties that had illegal gambling occurring on the property. Out of those properties, at least five were previously served more than three different times. Throughout the investigation, property owners would be notified or informed of the HPD's findings satisfying the element of giving the owners knowledge of the illegal activity that had occurred on the property. Owners would take minimal effort to evict the tenants who were conducting the illegal operations. Tenants would then sometimes reopen and continue operations within days or weeks after a search warrant was effected.

Currently, the language within the law for "Advanced Gambling" only requires the owner of a property to make an effort to stop illegal gambling from occurring on the property.

The Honorable Rhoads, Chair  
and Members  
February 2, 2023  
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Changes to the language of the law would help the HPD to hold the property owners accountable if they allow illegal gambling establishments to continue to operate. The owners could then be prosecuted after the HPD can prove that the owners were aware of the illegal activity if they do not stop it from occurring (not just put an effort).

The HPD believes that holding the property owners more accountable would help close and stop these illegal gambling establishments from reopening and would also help create a safer community for everyone.


The HPD urges you to support Senate Bill 2197, Relating to Gambling Offenses.

Thank you for the opportunity to testify.

Sincerely,

  
for Mike Lambert, Major  
Narcotics/Vice Division

APPROVED:

  
\_\_\_\_\_  
Arthur J. Logan  
Chief of Police

**SB-2197**

Submitted on: 1/30/2024 9:40:54 AM

Testimony for JDC on 2/2/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

I support the Office of the Prosecutor (Honolulu).

**SB-2197**

Submitted on: 2/2/2024 8:54:39 AM

Testimony for JDC on 2/2/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Angela Melody Young	Testifying for Kapalama Neighborhood Security Watch	Comments	In Person

Comments:

Kapalama NSW testifies in strong support.