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## A BILL FOR AN ACT

RELATING TO HAWAII COVERT OPERATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that given Hawaii's  
2 unique geographical position, the urgency of addressing  
3 smuggling activities involving humans, weapons, and drugs, as  
4 well as other transnational threats such as human trafficking,  
5 criminal cartel activities, and illegal immigration, cannot be  
6 overstated. These threats pose significant risks to public  
7 safety, particularly in the form of crimes involving child  
8 exploitation and sexual offenses, which we must address with the  
9 utmost seriousness.

10           The legislature further finds that it is imperative that  
11 Hawaii implements stricter penalties and fines to deter these  
12 criminal activities and allocate resources for covert operations  
13 to disrupt smuggling networks.

14           The purpose of this Act is to reduce crime by establishing  
15 the Hawaii covert operations against smuggling and transnational  
16 threats program.



1 SECTION 2. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 HAWAII COVERT OPERATIONS AGAINST SMUGGLING AND  
6 TRANSNATIONAL THREATS

7 § -1 Definitions. For purposes of this chapter:

8 "Black budget" refers to classified funds allocated for  
9 operations critical to state security and effectiveness, modeled  
10 on federal allocations for covert activities.

11 "Transnational threats" means:

- 12 (1) Human smuggling, including the deliberate evasion of  
13 immigration laws to unlawfully transport or harbor  
14 noncitizens;
- 15 (2) Firearm smuggling, including the unlawful  
16 transportation or trafficking of firearms, explosives,  
17 or dangerous weapons; and
- 18 (3) Controlled substance smuggling, including the  
19 unauthorized importation or exportation of controlled  
20 substances.



1 "Pedophiles and perpetrators" means individuals involved in  
2 any suspected violation of chapter 707 involving a minor.

3 "Program" means the Hawaii covert operations against  
4 smuggling and transnational threats program established under  
5 section -2.

6 "Special fund" means Hawaii covert operations against  
7 smuggling and transnational threats special fund established  
8 under section -3.

9 **§ -2 Hawaii covert operations against smuggling and**  
10 **transnational threats program.** (a) There is established within  
11 the department of law enforcement the Hawaii covert operations  
12 against smuggling and transnational threats program.

13 (b) The program shall conduct covert operations against  
14 transnational threats, in compliance with state and federal  
15 laws, in a manner that prioritizes ethical practices and human  
16 rights and does not exceed the scope of legislative intent,  
17 ensuring that the power granted for these operations under this  
18 chapter is not abused.

19 **§ -3 Hawaii covert operations against smuggling and**  
20 **transnational threats special fund.** (a) There is established  
21 the Hawaii covert operations against smuggling and transnational



1 threats special fund within the treasury of the State into which  
2 shall be deposited:

3 (1) Moneys in the black budget appropriated for the  
4 special fund; and

5 (2) All proceeds from fines collected under section -4.

6 (b) The special fund shall be managed by a committee  
7 comprising the following members:

8 (1) The director of law enforcement;

9 (2) The attorney general; and

10 (3) The director of human services.

11 (c) Moneys in the special fund shall be expended to  
12 finance classified operations, focusing on intelligence  
13 gathering, analysis, and covert actions to combat smuggling and  
14 transnational threats, including combating pedophiles and  
15 perpetrators.

16 (d) The approval process for the expenditure of moneys in  
17 the special fund shall be modeled on existing covert funding  
18 mechanisms used by other states and federal agencies, ensuring  
19 confidentiality and efficiency.



1 (e) Moneys in the special fund shall not be used for  
2 activities that contravene human rights or exceed the scope of  
3 legislative intent.

4 § -4 **Enhanced penalties.** (a) If a classified operation  
5 under section -2(b) results in a conviction under the  
6 following offenses, the convicted person shall be subject to the  
7 following enhanced penalties, in addition to any other penalty  
8 authorized by law:

9 (1) Additional imprisonment as follows:

10 (A) For any class A felony offense involving the  
11 smuggling of humans, firearms, or controlled  
12 substances: life imprisonment without the  
13 possibility of parole; and

14 (B) For any class B or C felony offense involving the  
15 smuggling of humans, firearms, or controlled  
16 substances: the minimum length of imprisonment  
17 shall be twenty-five years; and

18 (2) Additional fines as follows:

19 (A) Not less than \$250,000 per individual smuggled;  
20 provided that any person convicted of any class A



1                   felony involving human smuggling shall be fined  
2                   not less than \$500,000;  
3                   (B) Not less than \$150,000 per firearm smuggled;  
4                   (C) Not less than \$250,000 for controlled substances  
5                   smuggled; and  
6                   (D) Not less than \$1,000,000 for involvement in  
7                   cartel activities, as defined by the director of  
8                   law enforcement.

9                   (b) All assets linked to an offense for which an enhanced  
10                  penalty applies under this section shall be seized through a  
11                  transparent and fair process, with portions directed toward  
12                  community support, informant rewards, and prevention programs.

13                  §   -5   **Hawaii citizen reporting network.** (a) There is  
14                  established within the Hawaii covert operations against  
15                  smuggling and transnational threats program the Hawaii citizen  
16                  reporting network to serve as a platform for the public to  
17                  report transnational crimes, ensuring that crimes are promptly  
18                  and effectively addressed. The Hawaii citizen reporting network  
19                  shall be administered by the department of law enforcement.

20                  (b) Any member of the public who reports a transnational  
21                  crime may receive a reward of not more than twenty per cent of

1 the value of any assets seized or fines collected as a result of  
2 the report.

3 (c) All reports of transnational crimes made to the Hawaii  
4 citizen reporting network shall be confidential.

5 § -6 **Special legislative committee on oversight of the**  
6 **Hawaii covert operations program.** (a) The senate president and  
7 speaker of the house of representatives shall each appoint two  
8 individuals to a special legislative committee on oversight of  
9 the covert operations program. The committee shall:

10 (1) Monitor the implementation of penalties, fines, and  
11 covert operation; and

12 (2) Ensure compliance with legal and ethical standards.

13 § -7 **Audits.** The state auditor shall conduct annual  
14 audits of the Hawaii covert operations against smuggling and  
15 transnational threats program. The auditor shall submit its  
16 findings and recommendations to the legislature no later than  
17 twenty days before the convening of the regular session  
18 following the year in which the audit is conducted.

19 § -8 **Confidentiality.** All information related to this  
20 chapter shall be exempt from chapter 92F.



1           §   -9   **Annual report.**   (a)   The department of law  
2 enforcement submit an annual report to the legislature no later  
3 than twenty days prior to the convening of each regular session  
4 of the legislature.   The annual report shall include:

- 5           (1)   The impact of new penalties and fines on crime rates  
6                   imposed pursuant to this Act;  
7           (2)   Effectiveness of the Hawaii citizen reporting network;  
8                   and  
9           (3)   The use and outcomes of the special fund."

10           SECTION 3.   There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$                    or so much  
12 thereof as may be necessary for fiscal year 2025-2026 and the  
13 same sum or so much thereof as may be necessary for fiscal year  
14 2026-2027 for the Hawaii covert operations against smuggling and  
15 transnational threats program.

16           The sums appropriated shall be expended by the department  
17 of law enforcement for the purposes of this Act.

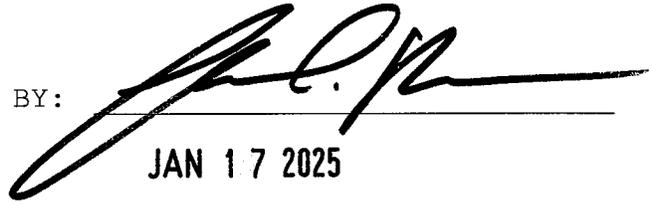


# H.B. NO. 483

1 SECTION 4. This Act shall take effect on July 1, 2025.

2

INTRODUCED BY:



A handwritten signature in black ink, appearing to be 'J. P.', is written over a horizontal line. Below the signature, the date 'JAN 17 2025' is printed in a bold, sans-serif font.

JAN 17 2025



# H.B. NO. 483

**Report Title:**

Crime; Smuggling; Drugs; Firearms; Weapons; Hawaii Covert Operations Against Smuggling and Transnational Threats; DLE

**Description:**

Establishes the Hawaii Covert Operations Against Smuggling and Transnational Threats program with the Department of Law Enforcement to combat smuggling of drugs and weapons and human trafficking.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

