
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.



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

"CHAPTER

**HAWAII COVERT OPERATIONS AGAINST SMUGGLING AND
TRANSNATIONAL THREATS**

§ -1 Definitions. For purposes of this chapter:

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

"Transnational threats" means:

- (1) Human smuggling, including the deliberate evasion of immigration laws to unlawfully transport or harbor noncitizens;
- (2) Firearm smuggling, including the unlawful transportation or trafficking of firearms, explosives, or dangerous weapons; and
- (3) Controlled substance smuggling, including the unauthorized importation or exportation of controlled 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.

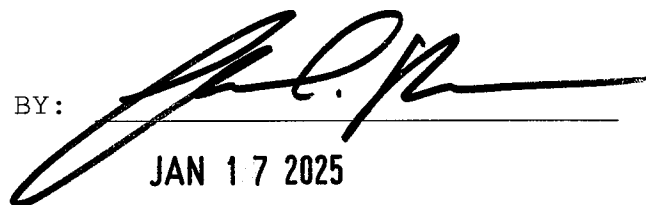


H.B. NO. 483

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

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INTRODUCED BY:



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.

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