

JAN 30 2026

A BILL FOR AN ACT

RELATING TO GAMBLING ENFORCEMENT.

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

1 SECTION 1. The legislature finds that illegal electronic
2 gambling devices commonly known as "fish games," "fish tables,"
3 or "fishing games," along with sweepstakes gambling machines and
4 similar devices, have proliferated across communities in the
5 State. These devices operate outside any lawful gambling
6 framework and generate significant concerns about public safety,
7 consumer protection, and organized crime.

8 The legislature also finds that these devices are
9 frequently misrepresented as games of skill or amusement but
10 actually function as gambling devices. The devices award items
11 of value based on chance, or a combination of chance and skill,
12 and are often associated with money laundering, narcotics
13 trafficking, and other criminal enterprises.

14 The legislature recognizes that illegal electronic gambling
15 operations frequently resume following any enforcement actions
16 unless the operations are subjected to ongoing compliance
17 monitoring or closed. Post-violation monitoring, padlock



1 orders, and extended closure remedies are necessary to prevent
2 recurrence and to protect public safety.

3 The legislature believes that there is a need for the State
4 to safeguard communities against illegal electronic gambling
5 devices, impose duties on operators and complicit property
6 owners, and to protect the constitutional property rights of
7 noncomplicit owners of premises on which illegal electronic
8 gambling devices have allegedly been used.

9 Accordingly, the purpose of this Act is to:

10 (1) Establish the criminal offense of promoting an illegal
11 electronic gambling device; and

12 (2) Authorize civil penalties and actions relating to the
13 premises on which illegal electronic gambling devices
14 have been used.

15 SECTION 2. Chapter 712, Hawaii Revised Statutes, is
16 amended by adding a new section to part III to be appropriately
17 designated and to read as follows:

18 **§712-A Promoting an illegal electronic gambling device.**

19 (1) A person commits the offense of promoting an illegal
20 electronic gambling device if the person possesses, operates,
21 displays, manufactures, sells, leases, distributes, or permits



1 on the person's premises the operation of any illegal electronic
2 gambling device.

3 (2) A device shall not be excluded from the application of
4 this section solely because the device includes an element of
5 skill, requires user interaction, or does not directly dispense
6 cash.

7 (3) Promoting an illegal electronic gambling device is a
8 class C felony.

9 (4) For the purposes of this section, "illegal electronic
10 gambling device" means any machine; table; device commonly known
11 as a fish game, fish table, or fishing game; sweepstakes gaming
12 machine; or a similar electronic gambling device that awards or
13 allows the exchange of points, credits, tokens, prizes,
14 merchandise, gift cards, cash equivalents, or anything of value
15 based in whole or in part upon chance or a combination of chance
16 and skill."

17 SECTION 3. Chapter 712, Hawaii Revised Statutes, is
18 amended by adding three new sections to part V to be
19 appropriately designated and to read as follows:

20 "**§712-B Illegal electronic gambling devices; public**
21 **nuisance.** (1) Any building, structure, or premises that is

1 knowingly used for the operation of an illegal electronic
2 gambling device is a public nuisance.

3 (2) The attorney general, any county prosecuting attorney,
4 any county police chief, or the director of law enforcement may
5 bring a civil action in circuit court to abate the nuisance and
6 seek:

- 7 (a) An injunction;
- 8 (b) Closure of the building, structure, or premises for up
9 to one year;
- 10 (c) Prohibitions on illegal gambling;
- 11 (d) Civil penalties; and
- 12 (e) Recovery of enforcement costs.

13 (3) For purposes of this section, "illegal electronic
14 gambling device" has the same meaning as defined in
15 section 712-A(4).

16 **§712-C Illegal electronic gambling devices; owner, lessor,**
17 **sublessor, or property manager liability.** (1) No owner,
18 lessor, sublessor, or property manager of any premises shall
19 knowingly permit the operation of an illegal electronic gambling
20 device on the premises.



1 (2) Upon receiving from law enforcement any written or
2 oral notice of the use of an illegal electronic gambling device
3 on the premises, the owner, lessor, sublessor, or property
4 manager shall:

5 (a) Issued a written demand to cease the illegal activity;
6 (b) Terminate the lease for the premises or commence
7 eviction proceedings, if applicable and to the extent
8 permitted by law;
9 (c) Deny access to the premises for any purpose relating
10 to the use of an illegal electronic gambling device;
11 and
12 (d) Cooperate with any law enforcement investigation.

13 (3) The attorney general, any county prosecuting attorney,
14 any county police chief, or the director of law enforcement may
15 bring a civil action in circuit court to enforce this section
16 and may seek injunctive relief, civil penalties, and any other
17 relief authorized by law.

18 (4) Any person that fails to take the actions required
19 pursuant to subsection (2) shall:

20 (a) Pay a civil penalty of no more than \$25,000 per
21 violation; and



1 (b) Be subject to an action for nuisance abatement.

2 (5) For any premise on which the use or operation of an

3 illegal electronic gambling device has occurred more than once

4 in any twelve-month period, the attorney general, any county

5 prosecuting attorney, any county police chief, or the director

6 of law enforcement may seek:

7 (a) A judicial order requiring the premises to be locked

8 for any duration that does not constitute a taking

9 under constitutional law; provided that the duration

10 shall not exceed twenty months, unless the court

11 determines that the premises are a chronic nuisance,

12 in which case the duration shall not exceed thirty-six

13 months;

14 (b) A receivership;

15 (c) An extended closure; or

16 (d) Other enhanced remedies.

17 (6) For purposes of this section, "illegal electronic

18 gambling device" has the same meaning as defined in

19 section 712-A(4).

20 **§712-D Compliance inspections following illegal electronic**

21 **gambling device violations.** (1) Upon a finding that the use of



1 an illegal electronic gambling device has occurred on any
2 premises:

3 (a) The court may require the premises be subjected to
4 compliance inspections, for no longer than twelve
5 months;

6 (b) Authorities may conduct reasonable inspections of
7 areas related to illegal gaming; provided that the
8 inspections shall be:

9 (i) Limited in scope and consistent with
10 constitutional law; and
11 (ii) Conducted pursuant to court order and shall not
12 require a separate warrant.

13 (2) If any person refuses to permit the inspections
14 authorized pursuant to subsection (1) (b):

15 (a) The person shall be subject to contempt proceedings;
16 and
17 (b) The attorney general, any county prosecuting attorney,
18 any county police chief, or the director of law
19 enforcement may pursue enhanced remedies.



1 (3) For purposes of this section, "illegal electronic
2 gambling device" has the same meaning as defined in
3 section 712-A(4)."

4 SECTION 4. In codifying the new sections added by sections
5 2 and 3 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 5. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 6. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.

13

INTRODUCED BY: Damon L. Hobbs



S.B. NO. 3281

Report Title:

Hawaii Penal Code; Gambling; Illegal Electronic Gambling Devices

Description:

Establishes the criminal offense of promoting an illegal electronic gambling device. Authorizes civil penalties and actions relating to premises on which an illegal electronic gambling device has been used.

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

