

REPORT OF THE COMMITTEE ON PUBLIC SAFETY

Voting Members:

Val A. Okimoto, Chair; Augie Tulba, Vice Chair;
Tyler Dos Santos-Tam, Andria Tupola

Committee Meeting Held
June 27, 2024

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Safety, which considered Resolution 24-143 entitled:

"RESOLUTION ESTABLISHING A TASK FORCE ON GAMBLING ROOMS,"

introduced on May 17, 2024, reports as follows:

The purpose of Resolution 24-143 is to establish a gambling room task force to advise and assist the Council on identifying and developing solutions to combat the ongoing proliferation of illegal game room operations in the City.

Director Dawn Takeuchi Apuna, Department of Planning and Permitting, provided comments on the Resolution, and answered questions from the Committee.

At your Committee's meeting on June 27, 2024, one individual provided testimony in support of the Resolution.

Your Committee received written testimony in support from one individual.

Your Committee considered and approved a proposed hand-carried CD1 version of the Resolution which makes the following amendments:

- A. In the second BE IT FURTHER RESOLVED clause, replaces the blank space with 90 days as it pertains to the deadline for the task force to submit a written report of its findings and recommendations.

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON

JUL 10 2024

COMMITTEE REPORT NO.

212

REPORT OF THE COMMITTEE ON PUBLIC SAFETY

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B. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee on Public Safety is in accord with the intent and purpose of Resolution 24-143, as amended herein, and recommends its adoption in the form attached hereto as Resolution 24-143, CD1. (Ayes: Dos Santos-Tam, Okimoto, Tulba – 3; Noes: None; Absent: Tupola – 1.)

Respectfully submitted,



Committee Chair

At the 7/10/24 Council meeting, the Resolution was further amended and subsequently adopted as Resolution 24-143, CD1, FD1.

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON JUL 10 2024

COMMITTEE REPORT NO. 212



RESOLUTION

ESTABLISHING A TASK FORCE ON GAMBLING ROOMS.

WHEREAS, gambling in all forms is prohibited in the State of Hawai'i ("State");
and

WHEREAS, illegal gambling in the City and County of Honolulu ("City") continues to be a pervasive problem that threatens public safety and welfare; and

WHEREAS, illegal game rooms with multiple electronic gambling devices have been detected and shut down in various residential neighborhoods across the City; and

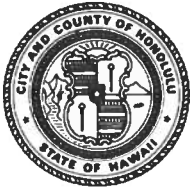
WHEREAS, it has been reported that the Honolulu Police Department ("HPD") retrieves around 500 gambling machines in the City every year; and

WHEREAS, illegal game rooms attract criminal activity, with incidents involving drugs, weapons, prostitution, human trafficking, and violent crime in residential communities, as well as increased traffic, parking complaints, and noise; and

WHEREAS, while criminal prosecution, civil nuisance abatement, and civil asset forfeiture are tools to combat illegal game rooms, it is difficult to prevent illegal game rooms from reopening after they have been shut down because they are easily launched and are very lucrative; and

WHEREAS, in an effort to target those who work at illegal game rooms, the State Legislature enacted Act 111, Session Laws of Hawaii 2022, which elevated the offense of promoting gambling in the first degree from a class C felony to a class B felony and the offense of promoting gambling in the second degree from a misdemeanor to a class C felony; and

WHEREAS, during the 2024 legislative session, the State Legislature passed Senate Bill 2197, Senate Draft 1, House Draft 1, Conference Draft 1 ("SB 2197"), which is awaiting action by the Governor, to amend the definition of "advance gambling activity" to hold property owners accountable by closing a loophole in the law that allows property owners to avoid prosecution for gambling offenses if they make any effort, regardless of how minimal or ineffective, to prevent illegal gambling activity on their property; and



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WHEREAS, testimony on SB 2197 revealed that on any given day, there are at least 100 active game rooms operating in the City, with the HPD testifying that over the past year, the HPD had executed more than 30 search warrants on properties hosting illegal gambling, some having been repeatedly served; and

WHEREAS, the City Council ("Council") recently introduced several measures to crack down on illegal game rooms in the City, including: (1) Bill 57 (2023), which would give the City greater authority to prevent illegal game rooms by imposing fines or legal action on landlords who allow illegal game rooms on their property; (2) Bill 58 (2023), which would allow the HPD, under the authority of the City's Department of Planning Permitting ("DPP"), to serve penalties for violations of the building code, fire code, and land use ordinance; and (3) Resolution 23-228, which urges the HPD and the DPP to work together in gathering evidence and serving notices of violation to take enforcement actions against illegal game rooms; and

WHEREAS, despite legislative efforts to enhance penalties relating to illegal game room operations, the Council believes that because the possession of a gambling device knowingly used to advance gambling activity is only a misdemeanor level offense under State law, illegal game rooms will continue to operate, further endangering public safety; and

WHEREAS, the Council finds that establishing a task force to devise solutions to address lack of enforcement and inadequate legal means to combat illegal gambling activities is necessary and is in the best interest of the City and its residents; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu ("Council") that it establishes a gambling room task force to advise and assist the Council on identifying and developing solutions to combat the ongoing proliferation of illegal game room operations in the City; and

BE IT FURTHER RESOLVED that the task force be composed of five members, as follows:

1. One member from the Honolulu Police Department;
2. One member from the Department of Planning and Permitting;
3. One member from the Department of the Prosecuting Attorney; and



RESOLUTION

4. Two members appointed by the Council; and

BE IT FURTHER RESOLVED that the task force shall submit a written report of its findings and recommendations to the Council no later than 90 days after the adoption of this resolution and prior to its dissolution; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, the Chief of Police, the Director of Planning and Permitting, and the Prosecuting Attorney.

INTRODUCED BY:

Tommy Waters

Tyler Dos Santos-Tam

DATE OF INTRODUCTION:

May 17, 2024
Honolulu, Hawai'i

Councilmembers

Report Title:

Gambling; Game Rooms; Offenses; Task Force; Act 111, SLH 2022; Honolulu Police Department ("HPD"); Department of Planning and Permitting ("DPP"); Department of the Prosecuting Attorney ("PAT"); Report

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