

STAND. COM. REP. NO. 1271

Honolulu, Hawaii

March 16, 2007

RE: S.B. No. 1400
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Human Services & Housing, to which was referred S.B. No. 1400, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FINANCIAL ABUSE,"

begs leave to report as follows:

The purpose of this bill is to protect elders from financial abuse by requiring financial institutions to report suspected financial abuse toward an elder to a local law enforcement agency or the Department of Human Services (DHS). This bill also provides protection for the good faith reporting of suspected financial abuse from criminal or civil liability.

The Department of Commerce and Consumer Affairs, DHS, Hawaii Bankers Association, Hawaii Financial Services Association, and a concerned individual testified in support of this bill.

Your Committee has amended this bill by:

- (1) Specifying that the reporting to DHS required of suspected financial abuse is limited to financial abuse of elders considered "dependent adults" as defined in Chapter 346, part X, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

SB1400 HD1 HSCR HSH HMS 2007-3155



Your Committee respectfully requests the Committee on Consumer Protection and Commerce to determine to which financial institutions the provisions of this bill should be applicable. Your Committee requests the opinion of the Attorney General on this matter. The intent of your Committee is to have the provisions of this bill that protect elders apply to all financial institutions in the state not preempted by federal law.

As affirmed by the record of votes of the members of your Committee on Human Services & Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1400, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1400, S.D. 2, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Housing,



MAILE SHIMABUKURO, Chair



