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# A BILL FOR AN ACT

RELATING TO SENIOR CITIZENS.

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

1 PART I

2 SECTION 1. The legislature finds that there is a growing  
3 issue with elderly persons in the State of Hawaii becoming  
4 disoriented or lost and that existing measures are inadequate to  
5 efficiently and effectively find and assist these senior  
6 citizens. An identification database of senior citizens who are  
7 at-risk of becoming lost would assist law enforcement and other  
8 agencies involved with search and recovery efforts.

9 The purpose of this part is to establish a task force to  
10 develop an efficient, cost-effective process for creating and  
11 operating an identification database of senior citizens who are  
12 at-risk of becoming lost to be used when senior citizens are  
13 missing.

14 SECTION 2. There is established a temporary task force,  
15 exempt from section 26-34, Hawaii Revised Statutes, to develop a  
16 system, using facial recognition software being developed by the  
17 department of the attorney general, to find missing or lost  
18 senior citizens. The task force shall be attached to the



1 executive office on aging within the department of health for  
2 administrative purposes.

3       The task force shall assist the county police departments  
4 and all state law enforcement entities, and work in conjunction  
5 with the department of the attorney general to further develop  
6 the facial recognition software, establish and implement  
7 policies and procedures regarding the use and maintenance of the  
8 facial recognition software, and determine the most efficient  
9 and cost-effective way to use the software in conjunction with  
10 other tools to assist in locating lost or missing senior  
11 citizens. The facial recognition database shall be for law  
12 enforcement and official use only, and shall not be accessible  
13 to the public.

14       SECTION 3. The task force shall be composed of the  
15 following members:

- 16       (1) One member appointed by the governor;
- 17       (2) One member appointed by the speaker of the house of  
18       representatives;
- 19       (3) One member appointed by the senate president;
- 20       (4) The director of public safety or the director's  
21       designee;



- 1 (5) A representative from the Adult Residential Care Home
- 2 Association;
- 3 (6) A representative from the Community Care Foster Home
- 4 Association;
- 5 (7) A representative from AARP;
- 6 (8) The director of the executive office on aging or the
- 7 director's designee;
- 8 (9) The county executive of the elderly affairs division
- 9 of the department of community services of the city
- 10 and county of honolulu or the county executive's
- 11 designee; and
- 12 (10) A representative from the honolulu police department.

13 SECTION 4. The task force shall prepare a report on the

14 scope and nature of the facial recognition system developed, the

15 standards for implementation to ensure all agencies properly use

16 the facial recognition system, and all procedural information

17 regarding use of the locator system.

18 SECTION 5. The task force shall submit a report of its

19 findings and recommendations to the legislature no later than

20 twenty days prior to the convening of the regular session of

21 2011.

1 SECTION 6. As used in this part, "senior citizen" means a  
2 person who is sixty-five years of age or older.

3 PART II

4 SECTION 7. Chapter 551D, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§551D- Witness and notary requirements for senior  
8 citizens. (a) A durable power of attorney for persons aged  
9 sixty-five years and older shall not be enforceable unless it  
10 is:

11 (1) Signed by two witnesses who satisfy the requirements  
12 of subsection (b); and

13 (2) Acknowledged by a notary public.

14 (b) A person shall not be a witness to execution of a  
15 durable power of attorney unless the person is:

16 (1) Eighteen years of age or older;

17 (2) Not the attorney-in-fact named in the durable power of  
18 attorney;

19 (3) Not related to the attorney-in-fact or to the other  
20 witness; and



1       (4) Witness to either the signing of the instrument by the  
2       principal or the principal's acknowledgment of the  
3       signature on the durable power of attorney."

4       SECTION 8. Chapter 560, Hawaii Revised Statutes, is  
5 amended by adding a new section to article V to be appropriately  
6 designated and to read as follows:

7       "§560:5-       Witness and notary requirements for senior  
8 citizens. (a) A power of attorney for persons aged sixty-five  
9 years and older shall not be enforceable unless it is:

10       (1) Signed by two witnesses who satisfy the requirements  
11       of subsection (b); and

12       (2) Acknowledged by a notary public.

13       (b) A person shall not be a witness to execution of a  
14 power of attorney unless the person is:

15       (1) Eighteen years of age or older;

16       (2) Not the attorney-in-fact named in the power of  
17       attorney;

18       (3) Not related to the attorney-in-fact or to the other  
19       witness; and

20       (4) Witness to either the signing of the instrument by the  
21       principal or the principal's acknowledgment of the  
22       signature on the power of attorney."



1 SECTION 9. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 10. New statutory material is underscored.

5 PART III

6 SECTION 11. This Act shall take effect on July 1, 2010.



**Report Title:**

Missing Senior Citizen; Task Force; Power of Attorney

**Description:**

Establishes a task force to develop an efficient, cost-effective process for creating and operating an identification database of at-risk senior citizens if they are missing. Provides that a power of attorney for persons aged 65 years and older must be witnessed by two qualified individuals. (SB2226 HD1)

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

