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## A BILL FOR AN ACT

RELATING TO MANDATORY REPORTING.

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

1           SECTION 1. Chapter 412:3-114.5, Hawaii Revised Statutes,  
2 is amended to read as follows:

3           " [†] §412:3-114.5 [†] Mandatory reporting of suspected  
4 financial abuse of an elder. (a) A financial institution shall  
5 report suspected financial abuse that is directed towards,  
6 targets, or is committed against an elder to the department of  
7 human services and the proper local law enforcement agency if:

8           (1) In connection with providing financial services to the  
9 elder, the officer or employee of a financial  
10 institution:

11           (A) Has direct contact with the elder; or

12           (B) Reviews or approves the elder's financial  
13 documents, records, or transactions; and

14           (2) The officer or employee, within the scope of  
15 employment or professional practice:

16           (A) Observes or has knowledge of an incident the  
17 officer or employee believes in good faith

18           appears to be financial abuse; or



1           (B) In the case of officers or employers who do not  
2           have direct contact with the elder, has a good  
3           faith suspicion that financial abuse has occurred  
4           or may be occurring, based solely on the  
5           information present at the time of reviewing or  
6           approving the document, record, or transaction.

7           (b) Suspected financial abuse shall be reported  
8           immediately to the department and the proper local law  
9           enforcement agency by telephone and by written report sent  
10          within five business days.

11          (c) Upon notification by a financial institution of  
12          suspected financial abuse, the department, in a timely manner,  
13          shall determine whether the department has jurisdiction over the  
14          elder involved; and if not, shall notify the financial  
15          institution[, ~~which shall then notify~~] and the proper local law  
16          enforcement agency immediately by telephone [~~and forward the~~  
17          ~~written report to the agency within three business days. A~~  
18          ~~financial institution shall not be liable for failing to report~~  
19          ~~suspected financial abuse to a local law enforcement agency in~~  
20          ~~cases in which the department fails to notify the institution of~~  
21          ~~the department's lack of jurisdiction~~].



1        (d) The department shall disclose to the proper local law  
2 enforcement agency relevant information relating to suspect of  
3 financial abuse of an elder in the department's physical custody  
4 within five days of determining whether the department has  
5 jurisdiction over the elder involved. The local law enforcement  
6 agency shall disclose to the department relevant information  
7 relating to suspected financial abuse of an elder in the  
8 agency's physical custody in a timely manner after receiving the  
9 written report of suspected financial abuse. The department and  
10 the local law enforcement shall have a continuing duty to share,  
11 in a timely manner, information relating to suspected financial  
12 abuse of the elder involved until the investigation into the  
13 report of suspected financial abuse is concluded.

14        [~~d~~] (e) Notwithstanding any other state law to the  
15 contrary, including but not limited to laws concerning  
16 confidentiality, any person, including the financial  
17 institution, who:

18            (1) Participates in the making of a report pursuant to  
19            this section; and

20            (2) Believes, in good faith, that the action is warranted  
21            by facts known to that person,





# H.B. NO. 2190

**Report Title:**

Financial Abuse; Elderly; Mandatory Reporting

**Description:**

Requires suspected financial abuse of an elder to be reported to local law enforcement and DHS. Mandates sharing of records between DHS and local law enforcement.

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

