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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. Section 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 appropriate  
7 police department ~~[of human services]~~ and may report suspected  
8 financial abuse to the department if:

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

12           (A) Has direct contact with the elder; or  
13           (B) Reviews or approves the elder's financial  
14           documents, records, or transactions; and

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



1 (A) Observes or has knowledge of an incident the  
2 officer or employee believes in good faith  
3 appears to be financial abuse; or

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

10 (b) Suspected financial abuse shall be reported  
11 immediately [~~to the department~~] by telephone [~~and by written~~  
12 ~~report sent within five business days.~~] and by electronic  
13 filing, or as soon as practicably possible, and by written  
14 report sent within two business days, to the appropriate police  
15 department; provided that suspected financial abuse may be  
16 reported to the department of human services.

17 [~~(c) Upon notification by a financial institution of~~  
18 ~~suspected financial abuse, the department, in a timely manner,~~  
19 ~~shall determine whether the department has jurisdiction over the~~  
20 ~~elder involved; and if not, shall notify the financial~~  
21 ~~institution, which shall then notify the proper local law~~  
22 ~~enforcement agency immediately by telephone and forward the~~



1 ~~written report to the agency within three business days. A~~  
2 ~~financial institution shall not be liable for failing to report~~  
3 ~~suspected financial abuse to a local law enforcement agency in~~  
4 ~~cases in which the department fails to notify the institution of~~  
5 ~~the department's lack of jurisdiction.]~~

6 (c) The department shall inform the appropriate police  
7 department of all reports received by the department regarding a  
8 case of financial abuse; provided that the name of the person  
9 who reported the case of financial abuse shall be released to  
10 the police department pursuant only to court order or the  
11 person's consent.

12 (d) The department shall inform the appropriate police  
13 department or office of the prosecuting attorney of any relevant  
14 information concerning a case of financial abuse when the  
15 information is required by the police department or the office  
16 of the prosecuting attorney for the investigation or prosecution  
17 of that case; provided that the name of the person who reported  
18 the case of financial abuse shall be released to the police  
19 department or the office of the prosecuting attorney pursuant  
20 only to court order or the person's consent.

21 ~~(d)~~ (e) Notwithstanding any other state law to the  
22 contrary, including but not limited to laws concerning



1 confidentiality, any person, including the financial  
2 institution, who:

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

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

7 shall have immunity from any liability, civil or criminal, that  
8 might be otherwise incurred or imposed by or as a result of the  
9 making of the report. Any person making the report shall have  
10 the same immunity with respect to participation in any judicial  
11 proceeding resulting from the report.

12 [~~e~~] (f) For the purposes of this section:

13 "Department" means the department of human services.

14 "Elder" means a person who is sixty-two years of age or  
15 older.

16 "Financial abuse" means financial abuse or economic  
17 exploitation."

18 SECTION 2. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Financial Abuse; Elderly; Mandatory Reporting

**Description:**

Requires suspected financial abuse of an elder to be reported by financial institutions to an appropriate police department and allows suspected financial abuse to be reported to the Department of Human Services. Mandates the Department of Human Services to share records with police or the office of the prosecutor for investigation or prosecution of a financial abuse case. Effective July 1, 2050. (HB2190 HD1)

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

