

Honolulu, Hawaii

Feb 6, 2012

RE: H.B. No. 2192
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2192 entitled:

"A BILL FOR AN ACT RELATING TO THE ELDERLY,"

begs leave to report as follows:

The purpose of this measure is to safeguard the elderly from financial exploitation by:

- (1) Creating the crime of financial and economic exploitation of a dependent elder and providing enhanced penalties;
- (2) Requiring two signatures of unrelated persons as witnesses to the execution of a power of attorney for health care; and
- (3) Requiring financial institutions to report suspected financial abuse to the adult protective services of the Department of Human Services and the county police.

Child and Family Service and Healthcare Association of Hawaii supported the measure. The Division of Financial Institutions of the Department of Commerce and Consumer Affairs, the Department of Human Services, the Department of the Prosecuting Attorney of the City and County of Honolulu, the Hawaii Bankers Association, and the Hawaii Credit Union League supported the measure with



amendments. The Office of the Public Guardian of the Judiciary supported the intent of this measure.

Your Committee has amended this measure by:

- (1) Broadening the crime of financial exploitation of an elder to include actions by any person against any elder, and providing enhanced penalties;
- (2) Requiring financial institutions to report suspected financial abuse immediately to the adult protective services of the Department of Human Services and the appropriate county police department initially by telephone, and later by written report sent by electronic mail;
- (3) Changing its effective date to July 1, 2050, to promote further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2192, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2192, H.D. 1, and be referred to the Committees on Judiciary and Consumer Protection & Commerce.

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


JOHN M. MIZUNO, Chair



