

STAND. COM. REP. NO. 2711

Honolulu, Hawaii

MAR 02 2012

RE: S.B. No. 2314
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2314, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of financial and economic exploitation of a dependent elder and penalties;
- (2) Define "elder" as any person sixty-two years of age or older;
- (3) Create enhanced penalties for a person who is convicted of financial and economic exploitation of a dependent elder in the course of committing or attempting to commit a felony, and causes the death or inflicts serious or substantial bodily injury upon a minor, elder, or handicapped person;
- (4) Require two signatures of unrelated persons as witnesses to the execution of a power of attorney for health care; and
- (5) Require financial institutions to report suspected financial abuse to the appropriate police department immediately by telephone and by written report via electronic mail.



Your Committee did not receive testimony on the measure.

Your Committee finds that there have been an increasing number of cases involving financial exploitation of the elderly by caregivers, acquaintances, friends, and family members. Financial crimes against the elderly can take many forms, and can be just as devastating as physical injuries, leaving victims isolated, vulnerable, and scared. This measure addresses this growing problem by criminalizing the financial and economic exploitation of a dependent elder and requiring financial institutions to report suspected financial abuse cases to the police.

Your Committee has amended this measure by:

- (1) Streamlining and renaming the offense of financial and economic exploitation of a dependent elder and categorizing the offense into various degrees depending on the value of the property exploited;
- (2) Changing the definition of "elder", as it applies in chapter 708 and section 412:3-114.5, Hawaii Revised Statutes, to mean any person who is sixty, rather than sixty-two, years of age or older;
- (3) Deleting the provision that creates enhanced penalties for a person who is convicted of financial and economic exploitation of a dependent elder in the course of committing or attempting to commit a felony, and causes the death or inflicts serious or substantial bodily injury upon a minor, elder, or handicapped person;
- (4) Deleting the provision that requires two signatures of unrelated persons as witnesses to the execution of a power of attorney for health care;
- (5) Amending section 412:3-114.5, Hawaii Revised Statutes, to require reporting of suspected financial abuse of an elder to an appropriate law enforcement agency, rather than the appropriate police department; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2314, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2314, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2314, SD1	HMS, JDL	3/1/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes