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**CITY AND COUNTY OF HONOLULU**

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LATE TESTIMONY

**THE HONORABLE CLAYTON HEE, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY**  
**Twenty-sixth State Legislature**  
**Regular Session of 2012**  
**State of Hawai'i**

February 22, 2012

**RE: S.B. 2450, S.D. 1; RELATING TO SENTENCING.**

Chair Chun-Oakland, Vice-Chair Ihara and members of the Senate Committee on Human Services, the Department of the Prosecuting Attorney submits the following testimony in support of Senate Bill 2450, Senate Draft 1.

The purpose of S.B. 2450, S.D. 1 is to amend Hawaii Revised Statutes, Section 706-660.2, to provide enhanced penalties for those who target elder persons for *financial* crimes. Specifically, the bill seeks to extend the protections afforded by Section 706-660.2 to elderly victims of first and second-degree theft or identity theft.

Although the law already provides enhanced penalties for felonies that cause death or serious bodily injury to an elderly person, there are no such penalties for targeting elderly persons for financial crimes. Nevertheless, financial crimes can be just as devastating as physical injuries, leaving victims in isolation, vulnerable and scared, at a time in their life when they are often less capable and have less time to recover emotionally or rebuild their finances. Moreover, financial crimes against the elderly are not only committed by strangers--via internet, mail, investment schemes and other methods--but also by relatives and caregivers, who have more opportunity to take an elder's money, property, and valuables; deny companionship, services or medical care; or cash pension or social security checks without permission.

Financial crimes against the elderly have been a growing problem in Hawaii, where it is common to see several generations living under the same roof, and in May of 2006, the Honolulu Advertiser published a series of *nine* articles regarding the financial abuse of seniors, indicating that Adult Protective Services had received more than 1,800 reports of suspected incidents,

within two-years prior. It is our understanding that these numbers have continued and are expected to increase as our population grows grayer with the aging of baby boomers.

Criminals who knowingly target an elderly victim for first or second-degree theft, or identity theft, should face enhanced penalties as a result of their decision to victimize an elder person. S.B. 2450, S.D. 1 is consistent with the intent of current laws, which provide enhanced penalties for serious physical injury to an elder, and only apply when it is proven beyond a reasonable doubt that the defendant knew or reasonably should have known the victim was 60 years of age or older. The Department of the Prosecuting Attorney believes that S.B. 2450, S.D.1 will provide greater protection for Hawaii's growing elderly population and present a greater deterrence to those who would contemplate targeting Hawaii's elderly for financial crimes.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports SB 2450, S.D. 1. Thank you for the opportunity to testify on this matter.



LATE TESTIMONY

Committee: Committee on Judiciary and Labor  
Hearing Date/Time: Wednesday, February 22, 2007, 9:45 a.m.  
Place: Room 016  
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 2450, SD1,  
Relating to Sentencing

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to S.B. 2450, SD1, which seeks to establish mandatory minimum prison terms for certain offenses committed against persons 60 years of age or older.

Mandatory minimum sentences should be abolished or reformed because they generate unnecessarily harsh sentences, tie judges' hands in considering individual circumstances, create racial disparities in sentencing and empower prosecutors to force defendants to bargain away their constitutional rights. This Committee should instead consider how to prevent and lessen crimes against those over 60 through education and advocacy programs that will empower our elders and the families and communities who support them.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple  
Staff Attorney  
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