

Honolulu, Hawaii

FEB 13 2013

RE: S.B. No. 102

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Human Services and Public Safety,
Intergovernmental and Military Affairs, to which was referred S.B.
No. 102 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require a financial institution to report suspected financial abuse against an elder to the appropriate county police department, rather than the Department of Human Services, under certain conditions immediately by telephone and then followed by a written report sent via electronic mail;
- (2) Repeal the Department of Human Services as the contact agency responsible for determining whether the Department has jurisdiction over the elder involved; and
- (3) Require all financial institutions to develop and implement a training program for their employees regarding the reporting requirements for suspected financial abuse of an elder.

Your Committees received testimony in support of this measure from the Department of Human Services, Executive Office on Aging, Hawaii Credit Union League, and Hawaii Bankers Association. Your



Committees received testimony in opposition to this measure from the Honolulu Police Department.

Your Committees find that elder financial exploitation is a growing problem in Hawaii. Financial abuse of elders is frequently accompanied by physical and emotional abuse. It is a complex problem with criminal and social components that speak to the need of a multidisciplinary solution. The reporting of financial exploitation through the most appropriate and efficient channel and the resulting timeliness of the investigation are crucial to the protection of assets as well as the health and safety of the victim.

Your Committees have amended this measure by:

- (1) Deleting its contents and inserting language from S.B. No. 1098, which:
 - (A) Requires financial institutions to report suspected financial abuse against an elder to the appropriate county police department, rather than the Department of Human Services, immediately by telephone, or as soon as practicably possible, and by written report sent within two business days; and
 - (B) Amends the definition of "financial abuse" to mean to take, appropriate, obtain, or retain, or assist in taking, appropriating, obtaining, or retaining, real or personal property of an elder adult by any means, including undue influence, for a wrongful purpose or with intent to defraud the elder adult; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Safety, Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 102, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 102, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.



Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

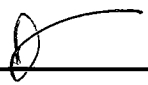
Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 102	Committee Referral: HMS/PSM, CPN	Date: 2/7/13		
<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
CHUN OAKLAND, Suzanne (C)	✓			
GREEN, Josh (VC)	✓			
KIDANI, Michelle N.	✓			
TANIGUCHI, Brian T.				✓
SLOM, Sam				✓
TOTAL	3	0	0	2
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

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB 102	Committee Referral: HMS/PSM, CPN	Date: 2/1/13		
<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
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)				✓
GALUTERIA, Brickwood	✓			
GREEN, Josh	✓			
SLOM, Sam	✓			
TOTAL	4			1
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				

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