

STAND. COM. REP. NO. **520**

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 102
S.D. 2

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

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 102, 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 require financial institutions to report instances of suspected financial abuse of an elder directly to the appropriate county police department instead of the Department of Human Services.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawaii Bankers Association, Hawaii Credit Union League, and one individual. Your Committee received testimony in opposition to this measure from the Maui Police Department. Your Committee received comments on this measure from the John A. Burns School of Medicine at the University of Hawai'i.

Your Committee finds that elder financial exploitation is a growing problem in Hawaii. Although this measure requires financial institutions to report instances of suspected financial abuse of an elder to the appropriate county police department, your Committee further finds that it will be more efficient and effective to require a dual system of reporting to the Department of Human Services and the appropriate county police department.

Your Committee additionally finds that the Department of Human Services and interested financial institutions have been



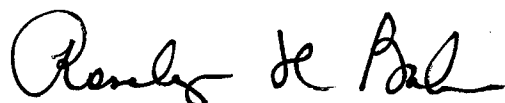
engaged in ongoing discussions on this measure. Consensus language has been reached by the interested parties, which would require the mandatory reporting of suspected financial abuse of elders by the financial institutions to the Department of Human Services and the appropriate county police departments. Amendments to this measure to incorporate this consensus language are therefore necessary.

Accordingly, your Committee has amended this measure by:

- (1) Requiring suspected financial abuse to be reported to the Department of Human Services in addition to the appropriate county police department;
- (2) Requiring the Department of Human Services to proceed in accordance with chapter 346, Hawaii Revised Statutes, upon notification by a financial institution of suspected financial abuse and a determination of the Department's jurisdiction over the elder;
- (3) Requiring the county police department to proceed with a criminal investigation in a timely manner upon notification by a financial institution of suspected financial abuse; and
- (4) 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 102, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 102, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 102, SDI	Committee Referral: HMS/PSM, CPN	Date: 2/20/13		
<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
BAKER, Rosalyn H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
TANIGUCHI, Brian T.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	16			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes