

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 531  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Human Services, to which was referred S.B. No. 531 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to make financial exploitation of an elder by a caregiver a Class A felony.

Your Committees received testimony in support of this measure from the Office of the Prosecuting Attorney, County of Hawai'i; Department of the Prosecuting Attorney of the City and County of Honolulu; Honolulu Police Department; Hawaii Credit Union League; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and five individuals. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that there is a growing trend of financial exploitation of an elder by a caregiver. Caregivers gain extensive knowledge of their client's financial situation during the course of their work and in cases where an elderly person is dependent on a caregiver for physical and social support, the elderly person can be particularly vulnerable to financial exploitation. Financial exploitation of the elderly often causes permanent damage, as they are typically unable to rejoin the workforce to rebuild their finances. Furthermore, abuse by caregivers can leave victims isolated and vulnerable and



unwilling to trust another caregiver, resulting in diminished quality of life.

Your Committees have heard the concerns raised in testimony that elders are only one segment of a larger population of vulnerable adults that rely on caregivers and are therefore prey to financial exploitation. All vulnerable adults reliant on caregivers share the exposure to and consequences of financial exploitation by caregivers.

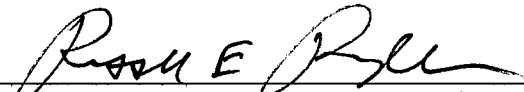
Accordingly, your Committees have amended this measure by:

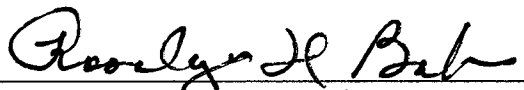
- (1) Clarifying that the offense established by this measure is financial exploitation of a vulnerable person, rather than an elderly person, and making associated conforming amendments;
- (2) Amending the elements of the offense of financial exploitation and definition of "caregiver" for consistency with the existing definitions of "caregiver" and "financial exploitation" in chapter 346, Hawaii Revised Statutes;
- (3) Updating its purpose section; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 531, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 531, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committees on Commerce,  
Consumer Protection, and Health  
and Human Services,


  
\_\_\_\_\_  
RUSSELL E. RUDERMAN, Chair

  
\_\_\_\_\_  
ROSALYN H. BAKER, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 531	CPH/HMS, JDC	2/8/19		
<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)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOPE, Jarrett	✓			
NISHIHARA, Clarence K.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt				✓
<b>TOTAL</b>	5			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  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 531	CPH/HMS, IDC	2.8.19		
<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
RUDERMAN, Russell E. (C)	✓			
RHOADS, Karl (VC)	✓			
IHARA, Jr., Les				✓
RIVIERE, Gil				✓
FEVELLA, Kurt	✓			
<b>TOTAL</b>	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency            Committee File Copy				

\*Only one measure per Record of Votes