

STAND. COM. REP. NO.

841

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 1134
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1134, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ADULT PROTECTIVE SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to broaden the Department of Human Services employees' right of entry into a vulnerable adult's premises without a warrant for an investigation of any type of abuse regardless of physical injury.

Your Committee received testimony in support of this measure from the Department of Human Services and Executive Office on Aging.

Your Committee finds that reports of abuse against vulnerable adults continue to rise as Hawai'i's population ages. Your Committee also finds that although the Department of Human Services is authorized to enter premises without a warrant for purposes of investigating the abuse of vulnerable adults, existing law limits that right of warrantless entry only to situations in which there is probable cause to believe that a vulnerable adult will be physically injured. Your Committee further finds that as defined in section 346-222, Hawaii Revised Statutes, "abuse" includes not only physical abuse, but also psychological abuse, sexual abuse, financial exploitation, caregiver neglect, or self-neglect, and that all of these forms of abuse can result in



damaging losses to the vulnerable adult's mental health, welfare, and financial stability.

Although extending the Department's right of entry into a vulnerable adult's premises without a warrant for an investigation of abuse regardless of physical injury will better serve vulnerable adults who may be the victims of abuse, your Committee considered concerns about the breadth of the circumstances under which this measure would allow warrantless entry by the Department of Human Services, and that these concerns may merit further discussion as this measure continues through the legislative process.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1134, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1134, S.D. 2.

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



KARL RHOADS, Chair



