

STAND. COM. REP. NO. 3869

Honolulu, Hawaii

APR - 8 2022

RE: H.B. No. 980
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 980, H.D. 1, 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' right of entry into a vulnerable adult's premises in situations where there is probable cause to believe a vulnerable adult is subject to any type of abuse, regardless of whether there is physical injury.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Hawaii Family Advocacy Team and one individual.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 2 of this measure. The proposed S.D. 2 more narrowly tailored the situations where the Department of Human Services' right to entry without a warrant into a vulnerable adult's premises when there is probable cause to believe that the vulnerable adult will be injured through caregiver neglect, self-neglect, or by physical abuse.



Your Committee received testimony in support of the proposed S.D. 2 from the Department of Human Services and one individual.

Your Committee finds that reports of abuse against vulnerable adults continue to rise as Hawai'i's population ages. Your Committee also finds that the Department of Human Services is authorized to enter premises without a warrant for purposes of investigating the abuse of vulnerable adults, pursuant to section 346-229, Hawaii Revised Statutes. Your Committee further finds that 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. However, your Committee also finds that abuse includes not only physical abuse, but also psychological abuse, sexual abuse, financial exploitation, caregiver neglect, or self-neglect. Accordingly, this measure will better serve vulnerable adults who may be victims of abuse.

Your Committee has amended this measure by adopting the proposed S.D. 2.

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 H.B. No. 980, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 980, H.D. 1, S.D. 2.

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



KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB980, HD1, SD1	Committee Referral: HMS, JDC	Date: 03-22-22
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris				/
FEVELLA, Kurt				/
TOTAL	5	-	-	2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes