STAND. COM. REP. NO. 21 -22

Honolulu, Hawaii

MAR 23 , 2022

RE: S.B. No. 1134

S.D. 2 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred S.B. No. 1134, S.D. 2, entitled:

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

begs leave to report as follows:

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

Your Committee received testimony in support of this measure from the Department of Human Services and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that existing law limits the Department of Human Services' ability to enter a vulnerable adult's premises without a warrant. Specifically, warrantless entries are only limited to instances in which there is probable cause to believe that a vulnerable adult will be physically injured. Your Committee further finds that other types of abuse, such as psychological abuse, sexual abuse, financial exploitation, or caregiver neglect can result in damaging losses to the vulnerable

adult's mental health, welfare, and financial stability. Authorizing employees of the Department of Human Services to enter a vulnerable adult's premises without a warrant for additional forms of reported abuse will enable the Department to more rapidly assess the vulnerable adult, interrupt the reported abuse, initiate an investigation, and make referrals to address or reduce the severity and risk of harm resulting from the reported abuse.

Your Committee has amended this measure by:

- (1) Limiting the expansion of the Department of Human Services' warrantless right of entry to investigations of caregiver neglect, self-neglect, or physical abuse;
- (2) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1134, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1134, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on Health, Human Services, & Homelessness,

RYAN , YAMANE, Chair

State of Hawaii House of Representatives The Thirty-first Legislature

H SCR 1271-22

Record of Votes of the Committee on Health, Human Services, & Homelessness

Bill/Resolution No.:	Committee Referral: Date:			
SB 1134, SD2	AHCHHH	+H, JHA 03/17/2022		
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
HHH Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	V			
2. TAM, Adrian K. (VC)	V		milalini, ingampi ampraki Mar	
3. GATES, Cedric Asuega			Thing the state of August and Again	- 4803 A. A. T.
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4. HAR, Sharon E.	V			8 1994, 1997, 990, 446
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5. KAPELA, Jeanne	V		Timak i semingan kulukat da	1. 建有油水水 - 7 N 197 B
6. NISHIMOTO, Scott Y.				
T WARD C			R.K. 11.41.13.15.1.11.	
7. WARD, Gene	V			
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TOTAL (7)	7			
The recommendation is: Adopted If joint referral, committee acronym(s) Not Adopted did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				