Honolulu, Hawaii

Feb 6 , 2012

RE: H.B. No. 2192

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2192 entitled:

"A BILL FOR AN ACT RELATING TO THE ELDERLY,"

begs leave to report as follows:

The purpose of this measure is to safeguard the elderly from financial exploitation by:

- (1) Creating the crime of financial and economic exploitation of a dependent elder and providing enhanced penalties;
- (2) Requiring two signatures of unrelated persons as witnesses to the execution of a power of attorney for health care; and
- (3) Requiring financial institutions to report suspected financial abuse to the adult protective services of the Department of Human Services and the county police.

Child and Family Service and Healthcare Association of Hawaii supported the measure. The Division of Financial Institutions of the Department of Commerce and Consumer Affairs, the Department of Human Services, the Department of the Prosecuting Attorney of the City and County of Honolulu, the Hawaii Bankers Association, and the Hawaii Credit Union League supported the measure with

amendments. The Office of the Public Guardian of the Judiciary supported the intent of this measure.

Your Committee has amended this measure by:

- (1) Broadening the crime of financial exploitation of an elder to include actions by any person against any elder, and providing enhanced penalties;
- (2) Requiring financial institutions to report suspected financial abuse immediately to the adult protective services of the Department of Human Services and the appropriate county police department initially by telephone, and later by written report sent by electronic mail;
- (3) Changing its effective date to July 1, 2050, to promote further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2192, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2192, H.D. 1, and be referred to the Committees on Judiciary and Consumer Protection & Commerce.

Respectfully submitted on behalf of the members of the Committee on Human Services,

JOHN M. MIZUNO, Chaz

HSCE 111-12

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 2/92	Committee Referral: HUS, TVD/CPC		JAN 30, 2012	
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)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)				
2. JORDAN, Jo (VC)				
3. BELATTI, Della Au				
				,
4. HANOHANO, Faye P.				
5. LEE, Chris				
6. MORIKAWA, Dee				
7. WOOLEY, Jessica				
8. YAMANE, Ryan I.				
9. CHING, Corinne W.L.				
10. PINE, Kymberly Marcos				
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TOTAL (10)	8	. ,		2
The recommendation is: Adopted If joint referral, did not support recommendation. committee across m(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) Committee Duplicate (Yellow) Chief Clerk's Office Duplicate (Pink) HMSO				