

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committees on Human Services and Consumer Protection & Commerce, to which was referred H.B. No. 3 entitled:

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

beg leave to report as follows:

The purpose of this measure is to prevent financial abuse of elders by requiring financial institutions to report to the appropriate county police department, suspected financial abuse that is directed towards, targets, or is committed against elders.

A concerned individual supported this measure. Hawaii Credit Union League supported this measure with amendments. The Executive Office on Aging supported the intent of this measure. The City and County of Honolulu Police Department and County of Hawaii Police Department opposed this bill. Comments were received from the Department of Human Services, County of Maui Police Department, and Hawaii Bankers Association.

Your Committees have amended this measure by:

 Requiring financial institutions to report suspected financial abuse of an elder to both the Department of Human Services and the appropriate county police department;



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- (2) Requiring that suspected financial abuse be reported not only by telephone, but also by facsimile or any other electronic device;
- (3) Specifying that upon notification by a financial institution of suspected financial abuse:
 - (A) The Department of Human Services must determine whether it has jurisdiction over the reported elder involved; and
 - (B) The Department of Human Services and the appropriate county police department must proceed with a criminal investigation in a timely manner;
- (4) Requiring the Department of Commerce and Consumer Affairs to develop a form to be used by financial institutions or any other person to report and document incidents of suspected elder financial abuse;
- (5) Clarifying and providing more details in the definition of "financial abuse"; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Human Services and Consumer Protection & Commerce that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 3, H.D. 1, and be referred to the Committee on Judiciary.

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

ANGUS L.K. MCKELVEY, Chair

MELE CARROLL, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature

HSCR 527

Record of Votes of the Committee on Human Services

| | $\frac{\text{Committee Referral:}}{HVS/CPC}, \overline{J}$ | | | | | | | | |
|---|--|-----------|------|---------|--|--|--|--|--|
| 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. CARROLL, Mele (C) | | | | | | | | | |
| 2. KOBAYASHI, Bertrand (VC) | | | | | | | | | |
| 3. BELATTI, Della Au | | | | | | | | | |
| 4. CABANILLA, Rida T.R. | | | | | | | | | |
| 5. JORDAN, Jo | \sim | | | | | | | | |
| 6. MORIKAWA, Dee | | | | | | | | | |
| 7. WOODSON, Justin H. | | | | | | | | | |
| 8. FUKUMOTO, Beth | | | | | | | | | |
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| TOTAL (8) | 8 | | | | | | | | |
| The recommendation is: Adopted Not Adopted If joint referral, | | | | | | | | | |
| Vice Chair's or designee's signature: | | | | | | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | | | | | | |

State of Hawaii House of Representatives The Twenty-seventh Legislature



Record of Votes of the Committee on Consumer Protection & Commerce

| Bill/Resolution No.: HB3 | Committee HU | e Referral: SILPC, | JUD | Date: | 2/12/13 | | | |
|--|-----------------|-----------------------|---------|-----------|----------------|---------|--|--|
| The committee is reconsidering its previo | | - | / | 1 | | | | |
| 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) | | | | | | | | |
| CPC Members | | Ayes | Ayes (W | 'R) | Nays | Excused | | |
| 1. McKELVEY, Angus L.K. (C) | | | | | | | | |
| 2. KAWAKAMI, Derek S.K. (VC) | | | | | | | | |
| 3. BELATTI, Della Au | | | | _ | | | | |
| 4. BROWER, Tom | | <u> </u> | | | | | | |
| 5. CABANILLA, Rida T.R. | | \checkmark | | | | | | |
| 6. CACHOLA, Romy M. | | | | | | | | |
| 7. CARROLL, Mele | | / | | | | 0.0 | | |
| 8. EVANS, Cindy | | | | | | war ac | | |
| 9. HAR, Sharon E. | | | | | | | | |
| 10. ITO, Ken | | | | | | | | |
| 11. LEE, Chris | | | | | | | | |
| 12. TSUJI, Clift | | | | | | | | |
| 13. YAMANE, Ryan I. | | | | | | | | |
| 14. MCDERMOTT, Bob | | | | | | | | |
| 15. THIELEN, Cynthia | | | | | | | | |
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| TOTAL (15) | | 8 | | | | 7 | | |
| The recommendation is: Adopt If joint re | | Not Adopt | did not | support 1 | recommendation | 1. | | |
| Vice Chair's or designee's signature: | | | | | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | | | | | |