STAND. COM. REP. NO.

Honolulu, Hawaii

FEB 1 1 2020

RE: S.B. No. 2949

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2949 entitled:

"A BILL FOR AN ACT RELATING TO FINANCIAL EXPLOITATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- Authorize a civil cause of action by a vulnerable adult for financial exploitation;
- (2) Allow attorney's fees and costs and punitive damages;
- (3) Establish degrees and classes of felonies for financial exploitation of an elderly person or disabled adult; and
- (4) Establish a presumption of financial exploitation.

Your Committee received testimony in support of this measure from the Hawaii Credit Union League and three individuals. Your Committee received testimony from the Department of Human Services supporting the creation of a private civil cause of action, but requested that the newly created cause of action be placed in Hawaii Revised Statutes, Chapter 663 Entitled Tort Actions.

Your Committee finds that financial exploitation is a fastgrowing form of elder and disabled adult abuse, and frequently





occurs without the explicit knowledge or consent of the victim and deprives them of vital financial resources.

Your Committee also finds that financial elder and disabled adult abuse is a crime that occurs often and is difficult to uncover. Hawaii's credit unions have long worked with law enforcement to investigate and prosecute these types of crimes. Your Committee notes that this measure will help to further protect vulnerable adults and their assets.

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 S.B. No. 2949 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

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

RUSSELL E. RUDERMAN, Chair



The Senate Thirtieth Legislature State of Hawaiʻi

Record of Votes Committee on Human Services HMS

Bill / Resolution No.:*	Committee		Dat	te: 2/7	/20
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RUDERMAN, Russell E. (C)		/			
RHOADS, Karl (VC)					
IHARA, Jr., Les					
RIVIERE, Gil					5
FEVELLA, Kurt					/
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TOTAL		3	0	ð	2
Recommendation:					
Chair's or Designee's Signature: Fal Abooh					
Distribution: Original File with Committee Re		Yellow Pink Goldenrod Clerk's Office Drafting Agency Committee File Copy			

*Only one measure per Record of Votes