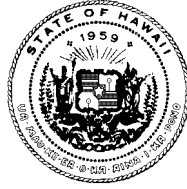


DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 23, 2020

TO: The Honorable Representative Chris Lee, Chair
House Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 2220 HD1 - RELATING TO THE ELDERLY**

Hearing: February 24, 2020, 2:00 p.m.
Conference Room 325, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill, suggests amendments, and offers comments.

PURPOSE: The purpose of this bill establishes the offense of financial exploitation of an elder and provides enhanced penalties. Amends mandatory reporting requirements for suspected financial abuse of an elder. Requires DHS to share records with the appropriate county police departments or offices of the prosecuting attorney. Effective 12/31/2059. (HD1)

DHS suggests the Legislature consider amendments to address inconsistencies of the intended age of the individual to be protected to prevent confusion which may hinder efforts to improve protection of the well-being of elders or seniors. DHS recommends amending the age of an elder victim to sixty years of age. In this measure, "elder" means any person "sixty-two years of age or older" (Page 3, lines 5-6); lower down the page at line 19, the age of the victim states "sixty;" at page 7, lines 18-19, "elder" means a person who is sixty-two years of age or older." In HB1874 Relating to Criminal Offenses Against Seniors, the measure lowers the age of crimes against seniors to sixty years of age.

AN EQUAL OPPORTUNITY AGENCY

In Part II of this measure, DHS appreciates the proposed amendment to section 412:3-114.5, Hawaii Revised Statutes (HRS), that financial institutions “may report” suspected financial abuse to the department; the proposed amendment attempts to reduce the number of reports of suspected financial abuse to the department that do not include a "vulnerable adult" as defined by section 346-222, HRS.

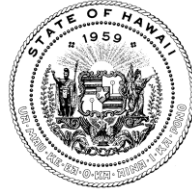
DHS Adult Protective & Community Services Branch responds to reports of abuse or neglect of a "vulnerable adult" which is:

"a person eighteen years of age or older who, because of mental, developmental, or physical impairment, is unable to:

- (1) Communicate or make responsible decisions to manage the person's own care or resources;
- (2) Carry out or arrange for essential activities of daily living; or
- (3) Protect oneself from abuse, as defined in this part."

For clarity and to support multidisciplinary efforts to address this complex and growing problem amidst limited resources, DHS suggests removing “and may report” (Page 4, lines 19-20) and replacing it with “and report suspected financial exploitation to the department regarding elders who also appear to meet the definition of “vulnerable adult” as defined by section 346-222, HRS."

Thank you for the opportunity to provide testimony on this bill.



LATE

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310
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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Judiciary
Monday, February 24, 2020
2:00 p.m.
State Capitol, Conference Room 325**

**On the following measure:
H.B. 2220, H.D. 1, RELATING TO THE ELDERLY**

WRITTEN TESTIMONY ONLY

Chair Lee and Members of the Committee:

My name is Iris Ikeda, and I am the Commissioner of Financial Institutions of the Department of Commerce and Consumer Affairs' (Department) Division of Financial Institutions (DFI). The Department appreciates the intent of this bill and offers comments only with respect to part II, section 4 of this bill.

The purpose of this bill is to: (1) establish the offense of financial exploitation of an elder and provide enhanced penalties; (2) amend the mandatory reporting requirements for suspected financial abuse of an elder; and (3) require the Department of Human Services to share records with the appropriate county police departments or offices of the prosecuting attorney.

The Department appreciates the intent of the bill to protect kupuna from financial abuse. Banks and financial institutions provide training to bank staff who interact with customers to be alert for signs of financial abuse. Banks may disclose information

about financial abuse of kupuna to law enforcement agencies under an exception to the Gramm Leach Bliley Act (GLBA) for a regulatory investigation with law enforcement. See 15 U.S.C. §6802(e). The reporting of financial abuse to the appropriate county police department appears to be a more efficient and a more effective way to curb financial abuse and reduce the number of reports to the Department of Human Services for persons who do not fall within the purview of that department.

Thank you for the opportunity to testify on this bill.

HB-2220-HD-1

Submitted on: 2/22/2020 9:22:37 AM

Testimony for JUD on 2/24/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John A. H. Tomoso	Individual	Support	No

Comments:

02-22-20

RE:HB2220HD1

I am in support of this Bill which establishes the offense of financial exploitation of an elder and provides enhanced penalties. I find this exploitation of kupuna so egregious, that I also support its amending of mandatory reporting requirements for suspected financial abuse of an elder. Of course, I support the requirement of DHS to share records with the appropriate county police departments or offices of the prosecuting attorney.

John A. H. Tomoso+, MSW

51 Ku'ula St., Kahului, Maui, HI 96732-2906

CC: AGINGMAUI, PABEALEGCOMM

HB-2220-HD-1

Submitted on: 2/22/2020 11:35:43 AM

Testimony for JUD on 2/24/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments:

i was abused but the system did not provide me any satisfaction in closing the case because it was difficult to have the prosecutor return my call. There was always an answering machine to speak to. Also the detective assigned to my case was ill for a long time followed by a prolonged leave for his mother's death.

HB-2220-HD-1

Submitted on: 2/22/2020 12:41:49 PM

Testimony for JUD on 2/24/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch, Sr.	Individual	Support	No

Comments:

I support HB2220, HD1. Please pass.

Thank you.

Mike Golojuch, Sr.

HB-2220-HD-1

Submitted on: 2/23/2020 6:52:21 PM

Testimony for JUD on 2/24/2020 2:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB2220. Elder abuse is widespread. This legislation should help protect those among our most vulnerable members of society.

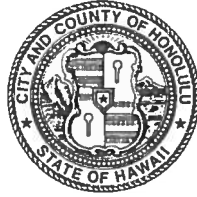
Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • INTERNET: www.honolulu.police.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE GB-KK

February 5, 2020

LATE

The Honorable Joy A. San Buenaventura, Chair
and Members
Committee on Human Services
and Homelessness
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, Hawaii 96813

Dear Chair San Buenaventura and Members:

SUBJECT: House Bill No. 2220, Relating to the Elderly

I am Gail Beckley, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2220, Relating to the Elderly.

This bill appropriately provides additional mechanisms to protect the elderly against financial exploitation. It will establish the offense of financial exploitation of an elder and provide enhanced penalties. In addition, it will require the Department of Human Services to share records with the appropriate county police departments or offices of the prosecuting attorney. We believe that this legislation will assist in providing better protection to the elderly.

The HPD urges you to support House Bill No. 2220, Relating to the Elderly.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in black ink, reading "Susan Ballard".

Susan Ballard
Chief of Police

Sincerely,

A handwritten signature in black ink, reading "Gail Beckley".

Gail Beckley, Captain
Criminal Investigation Division

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY



LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

LATE

**THE HONORABLE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i**

February 24, 2020

RE: H.B. 2220, H.D. 1; RELATING TO THE ELDERLY.

Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in support of H.B. 2220, H.D. 1, with suggested amendments.

The Department previously supported similar measures in 2012 (H.B. 2192 & S.B. 2314), and strongly agrees that financial crimes can be just as devastating as physical injuries—leaving victims ashamed, isolated, vulnerable and scared—particularly older victims, who may be less able to defend against these offenses, and have less time to recover emotionally or rebuild their finances afterwards. Moreover, the number of financial crimes committed against the elderly has increased over the years, and is only expected to increase further as Hawaii's baby-boomers continue to age.

Notwithstanding our support, we would suggest the following amendments to the bill:

- (1) Amend the age requirements from 62 to 60, on page 3, lines 4 & 17.
- (2) Remove limitations on providing the witness’s name to police (page 6, lines 12-15; and page 6, line 21 to page 7, line 3)—to the extent that that is the same person who “reported the case of financial abuse”—as any delay in obtaining this information could have a detrimental effect on police investigations, and in any case, such information would always be necessary for purposes of prosecution.

Anyone who would knowingly victimize elderly people for these crimes should face stricter penalties for such heinous actions; this would also serve as greater deterrent against such actions.

For all of the foregoing reasons, the Department of the Prosecuting Attorney, City and County of Honolulu, supports H.B. 2220, H.D. 1. Thank you allowing us to testify on this matter.