STAND. COM. REP. NO. **84** 

Honolulu, Hawaii

## MAR 0 5 2021

S.B. No. 1134 RE: S.D. 2

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1134, S.D. 1, entitled:

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

begs leave to report as follows:

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

Your Committee received testimony in support of this measure from the Department of Human Services and Executive Office on Aging.

Your Committee finds that reports of abuse against vulnerable adults continue to rise as Hawai'i's population ages. Committee also finds that although the Department of Human Services is authorized to enter premises without a warrant for purposes of investigating the abuse of vulnerable adults, existing law limits that right of warrantless entry only to situations in which there is probable cause to believe that a vulnerable adult will be physically injured. Your Committee further finds that as defined in section 346-222, Hawaii Revised Statutes, "abuse" includes not only physical abuse, but also psychological abuse, sexual abuse, financial exploitation, caregiver neglect, or selfneglect, and that all of these forms of abuse can result in

damaging losses to the vulnerable adult's mental health, welfare, and financial stability.

Although extending the Department's right of entry into a vulnerable adult's premises without a warrant for an investigation of abuse regardless of physical injury will better serve vulnerable adults who may be the victims of abuse, your Committee considered concerns about the breadth of the circumstances under which this measure would allow warrantless entry by the Department of Human Services, and that these concerns may merit further discussion as this measure continues through the legislative process.

Your Committee has amended this measure by inserting an effective date of May 6, 2137, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1134, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1134, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

## The Senate Thirty-First Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:		D	Date:	
SB 1134 SD1	HMS, JOC		(	02/24/2021	
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
RHOADS, Karl (C)		∨		_	
KEOHOKALOLE, Jarrett (VC)		<b>V</b>			
ACASIO, Laura		<b>V</b>		T =	
GABBARD, Mike		<b>V</b>			
KIM, Donna Mercado		<b>V</b>			
LEE, Chris		V			
FEVELLA, Kurt		✓			
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TOTAL		7	0	0	0
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy					

\*Only one measure per Record of Votes