

STAND. COM. REP. NO. 3162

Honolulu, Hawaii

APR 10 2026

RE: H.B. No. 963
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 963, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMES AGAINST ELDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish strict liability for crimes against elders with respect to the attendant circumstance that the victim was seventy years of age or older.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, and two individuals.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender and one individual.

Your Committee finds that the Legislature enacted Act 147, Session Laws of Hawaii 2021, to better protect the State's elder population from being targeted for violence, theft, and fraud. At that time, the inclusion of a knowledge requirement regarding the victim's age was intended as a safeguard. However, that requirement has significantly limited the effectiveness of the law. Because perception of age varies widely and the State must prove every element beyond a reasonable doubt, it is extremely



difficult for prosecutors to establish that a defendant knew or reasonably should have known the victim's age, particularly in assault cases involving strangers. As a result, even where an offender targets someone who appears vulnerable due to age, that fact often cannot be proven in court. This measure removes the state-of-mind requirement to eliminate that barrier and ensure that offenders are held accountable for the harm they actually cause.

Your Committee notes that the removal of the state of mind requirement by this measure applies only to the offenses of assault in the first degree and assault in the second degree, and does not extend to other offenses against elders.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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 H.B. No. 963, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 963, H.D. 2, S.D. 2.

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



KARL RHOADS, Chair



