

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



KENNETH FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

**STATE OF HAWAII
DEPARTMENT OF HEALTH
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EXECUTIVE OFFICE ON AGING**
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**Testimony in SUPPORT of HB0963 HD2
RELATING TO CRIMES AGAINST ELDERS**

COMMITTEE ON HEALTH & HUMAN SERVICES
SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATOR ANGUS L.K. MCKELVEY, VICE CHAIR

Testimony of Caroline Cadirao
Director, Executive Office on Aging
Attached Agency to the Department of Health

Hearing: Wednesday, January 28, 2025, 1:30 P.M.

Conference Room 225

1 **EOA Position:** The Executive Office on Aging (EOA), an attached agency to the Department of
2 Health (DOH) supports SB0963 SD2.

3 **Purpose:** This measure establishes strict liability for crimes committed against elders sixty years
4 of age or older. As individuals age, they may experience cognitive and/or physical decline,
5 which makes them more vulnerable to physical, financial, and psychological abuse and
6 exploitation. EOA supports bills that provide legal protections for older adults and holds
7 criminals accountable for their actions. To ensure the safety and wellbeing of our aging
8 population it's essential to have strong laws.

9 **Recommendations:** EOA supports the intent of this measure and defers to the Office of the
10 Prosecuting Attorney on how best to prosecute crimes against elders.

11 Thank you for the opportunity to testify.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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CITY AND COUNTY OF HONOLULU

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HOPE MUA LOIO HO'OPI'I

THE HONORABLE JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i

January 27, 2026

RE: H.B. 963 H.D. 2; RELATING TO CRIMES AGAINST ELDERS.

Chair San Buenaventura, Vice Chair McKelvey, and members of the Senate Committee on Health and Human Services, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in **support** of H.B. 963 H.D. 2.

H.B. 963 H.D. 2 amends seven felony offenses that are aggravated when the victim is sixty years or older. Conviction currently requires proof that the defendant “knew or should have known” the victim’s age. H.B. 963 H.D. 2 removes this state of mind requirement regarding age.

In 2021, the Legislature passed Act 147 to better protect Hawaii’s seniors from being targeted by violence, theft, or fraud. The law now provides additional penalties for those who harm kupuna.¹ The seven felonies at issue here are: first-degree assault; second-degree assault; unauthorized entry into a dwelling; first-degree theft; second-degree theft; first-degree forgery; and second-degree forgery.

The rationale for strict liability is clearest for assault. Many assaults are not the product of deliberation. Yet the mens rea requirement treats the subjective aims of the offender as dispositive. Under this standard, a victim's actual vulnerability becomes legally irrelevant if the offender misperceived their age. But criminal assault objectively poses a greater harm to kupuna, regardless of the offender’s awareness, because aging necessarily entails corresponding physical frailty. Kupuna bear the full burden of that risk, including those attacked with complete indifference to their age. The law should recognize and account for this tangible reality.

¹ See, e.g., HRS § 708-830.5(1)(e) (first-degree theft targeting the elderly); HRS § 708-851(c) (first-degree forgery targeting the elderly).

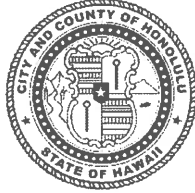
Unlike assault, property crimes typically involve deliberation, planning, and selection that leave evidentiary traces of intent. Proof that the offender knew the victim's age is therefore usually available. Even so, strict liability regarding age may be appropriate because of the disproportionate harm these crimes inflict on the elderly. Many kupuna live on fixed incomes. Most will lack sufficient time to rebuild or recoup stolen earnings. The dollar amount alone does not equitably reflect their real position compared to other victims of property crime. Strict liability with respect to age would rationally reflect this aggravated harm.

Thank you for the opportunity to testify.

HONOLULU POLICE DEPARTMENT
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LATE

RICK BLANGIARDI
MAYOR
MEIA



RADE K. VANIC
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KAHU MĀKA'I KŪIKAWA

AARON TAKASAKI-YOUNG
RYAN T. NISHIBUN
INTERIM DEPUTY CHIEFS
NĀ HOPE LUNA NUI MĀKA'I KŪIKAWA

OUR REFERENCE **VL-RZ**

January 28, 2026

The Honorable Joy A. San Buenaventura, Chair
and Members
Committee on Health and Human Services
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawai'i 96813

Dear Chair San Buenaventura and Members:

SUBJECT: House Bill No. 963, H.D. 2, Relating to Crimes Against Elders

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

The HPD supports House Bill No. 963, H.D. 2, Relating to Crimes Against Elders.

The prosecution should not have to prove that the defendant knew the victim was over 60 years old. Elderly persons are considered a protected class. The harm exists regardless of the offender's knowledge. Requiring proof of knowledge would make prosecution difficult and weaken protections.

The HPD urges you to support House Bill No. 963, H.D. 2, Relating to Crimes Against Elders.

Thank you for the opportunity to testify.

APPROVED:


Rade K. Vanic
Interim Chief of Police

Sincerely,


Vince Legaspi, Captain
Criminal Investigation Division

Rebecca V. Like
Prosecuting Attorney



Keola Siu
First Deputy
Prosecuting Attorney

OFFICE OF THE PROSECUTING ATTORNEY

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The Honorable Joy A. San Buenaventura, Chair
Senate Committee on Health and Human Services
Thirty-third State Legislature
Regular session of 2026
State of Hawai'i
January 26, 2026

RE: HB963 HD2. Relating to Crimes Against Elders

Dear Chair San Buenaventura and members of the Committee on Health and Human Services:

Thank you for the opportunity to provide testimony in **OPPOSITION** to this bill. Our Office strongly supports protecting Hawaii's kupuna and shares the Committee's commitment to ensuring that older adults are treated with dignity, compassion and respect. We recognize the importance of preventing elder abuse and exploitation, particularly as our population continues to age. However, this bill's creation of strict liability criminal offenses based solely on the age of the victim raises serious concerns and is unlikely to improve safety or well-being for elderly individuals or their families.

(1) Strict liability should be used only in narrow and clearly justified circumstances.

Strict liability offenses are generally avoided in criminal law and cause grave constitutional concerns for the judiciary. They are reserved for very limited circumstances where heightened protection is essential, the conduct is inherently wrongful regardless of intent, and the harm is inherently devastating. One recognized example is the protection of children from sexual assault by adults. In those cases, minors are legally incapable of consent, the age difference itself establishes vulnerability, and the damage that results from such abuse is near-uniformly overwhelming and long-lasting. Strict liability serves a clear protective purpose in that setting.

Those circumstances are fundamentally different from situations involving older adults. Elderly individuals are autonomous adults with full legal capacity, and their interactions often involve complex, family, caregiving or interpersonal dynamics that cannot be fairly addressed through automatic criminal liability. Additionally, imposing felony punishment for an assault of a senior regardless of the severity of the injury inflicted on a strict liability basis will be disproportionate in many cases.

(2) Many cases involving older adults are complex and do not involve exploitation.

In real-world practice, cases involving elderly individuals are often not situations involving a younger offender intentionally preying upon a vulnerable elder. Instead, we frequently see disputes between spouses or partners who are both over the age of 60, conflicts between elderly neighbors, family disagreements related to caregiving or finances, and incidents arising from stress, declining health, or cognitive challenges. In many cases, both the alleged victim and the defendant are elderly, and neither party is meaningfully more vulnerable than the other. A strict liability framework does not allow courts or service providers to recognize these realities or respond in a way that promotes safety or stability.

(3) The harm to society from enactment of a strict liability offense may outweigh the protection it affords kupuna.

Because strict liability removes the requirement to consider intent or circumstances, it may result in enhanced criminal penalties when harm was not intentional, conduct resulted from confusion or cognitive decline, or the situation stemmed from caregiver stress or unmet support needs. For older adults, involvement in the criminal justice system can be deeply destabilizing and may worsen medical, mental health, or housing insecurity. This approach risks increasing criminalization without meaningfully increasing safety.

(4) Existing law already provides meaningful protection for elderly victims.

Current law already allows courts to consider the age and vulnerability of the victim, the relationship between the parties, whether conduct was exploitative or predatory, and the overall impact on the elderly individual. Judges are fully equipped to impose enhanced consequences involving true abuse or exploitation of vulnerable victims. As a result, this bill is unnecessary to achieve its intended goal.

(5) Effective elder protection is better served by other responses.

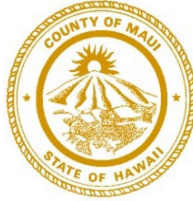
Protecting kupuna is best achieved through access to supportive services, caregiver support, mental health and substance use treatment, and individualized court responses. There are far more effective and urgently-needed means for the state legislature to provide care to kupuna than enactment of a class of strict liability felonies.

Our Office shares this Committee's commitment to protecting Hawaii's kupuna. That protection is strongest when laws are carefully tailored, grounded in the realities of aging, and designed to promote safety without causing unintended harm. Because strict liability is not appropriate in this context and risks outcomes that do not serve elderly individuals or families, our office respectfully **OPPOSES** this bill. Thank you for the opportunity to testify.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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TESTIMONY ON
H.B. 963 HD2
RELATING TO CRIMES AGAINST ELDERS

January 27, 2026

The Honorable Joy A. San Buenaventura
Chair
The Honorable Angus L. K. McKelvey
Vice Chair
and Members of the Committee on Health and Human Services

Chair San Buenaventura, Vice Chair McKelvey, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of H.B. 963 HD2, Relating to Crimes Against Elders**. This bill enhances protection for senior crime victims by holding offenders strictly liable as to knowledge of the victim's age for multiple crimes involving elders, including assault, theft and forgery.

We support this bill because many senior victims of crime never fully recover from the physical, financial, psychological and emotional devastation caused by violent crime, theft or financial exploitation. When we helped draft what became Act 147 of the 2021 Legislative Session, we wanted to strengthen and standardize the legal protection Hawai'i offers to our kupuna. This bill solidifies that protection by ensuring that an offender cannot avoid accountability by simply claiming they were unaware of their victim's age, similar to the strict liability intent requirements for a victim's age in child sexual assault offenses. It also has an additional deterrent effect for crimes against non-kupuna, as an offender knows that they run the risk of harsher penalties when they commit an assault, theft, forgery or other covered offense against a victim that happens to be sixty years of age.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports H.B. 963 HD2**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.

KELDEN B.A. WALTJEN
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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 963 HD2

A BILL FOR AN ACT
RELATING TO CRIMES AGAINST ELDERS

COMMITTEE ON HEALTH & HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair
Senator Angus L.K. McKelvey, Vice Chair

Wednesday, January 28, 2026 at 1:30 p.m.
Via Videoconference
State Capitol Conference Room 225
415 South Beretania Street

LATE

Honorable Chair San Buenaventura, Vice-Chair McKelvey and Members of the Committee on Health and Human Services. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of House Bill No. 963 HD2.

HB 963 HD2 was drafted with the intent to establish strict liability for crimes against elders with respect to the attendant circumstance that the victim was sixty years of age or older.

Kupuna are often times targets of exploitation, violence, and theft. This bill was drafted with the intent to establish strict liability for crimes against elders with respect to the attendant circumstance that the victim was 60 years of age or older.

Strict liability refers to a concept where a person can be held liable for their actions regardless of their intention or mental state at the time of the offense. Currently, Hawai'i State law requires that the State establish that an offender "knew or reasonably should have known" the age of the victim in cases involving elder victims of crime. In doing so, this additional burden unjustly jeopardizes the safety of our kupuna and undermines the overall effectiveness and intent of the law to protect our kupuna.

House Bill No. 963 HD2 will protect, support, and deter the commission of crimes against kupuna. For the foregoing reasons, the County of Hawai'i, Office of the Prosecuting Attorney supports the passage of House Bill No. 963 HD2. Thank you for the opportunity to testify on this matter.



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The State Legislature
Senate Committee on Health and Human Services
Wednesday, January 28, 2025
Conference Room 225, 1:30 p.m.

TO: The Honorable Joy San Buenaventura, Chair
FROM: Keali'i S. López, State Director
RE: Support for H.B. 963, HD2 Relating to Crimes Against Elders

Aloha Chair San Buenaventura, and Members of the Committee:

My name is Keali'i Lopez and I am the State Director for AARP Hawai'i. AARP is a nonpartisan, social impact organization that advocates for individuals age 50 and older. We have a membership of nearly 38 million nationwide and nearly 135,000 in Hawaii. We advocate at the state and federal level for the issues that matter most to older adults and their families.

AARP supports H.B. 963 HD2 establishes strict liability for crimes against elders with respect to the attendant circumstance that the victim was sixty years of age or older.

Elders are often more vulnerable to crimes due to physical, cognitive, and social factors. Establishing strict liability ensures that perpetrators are held accountable, providing a stronger deterrent against crimes targeting this demographic. AARP advocates for the protection of older adults from abuse, neglect, and exploitation, and aligns with AARP's policy by ensuring that crimes against elders are met with appropriate legal consequences, reinforcing the importance of safeguarding our kupuna.

By establishing strict liability, the bill simplifies the prosecution process for crimes against elders. This means that the prosecution does not need to prove the perpetrator's intent, only that the crime occurred, and the victim was 60 years of age or older. This can lead to more efficient and effective justice for elder victims.

Strict liability serves as a preventive measure by signaling to potential offenders that crimes against elders will be met with serious consequences. This can reduce the incidence of elder abuse and improve the overall safety and well-being of older adults in the community.

Thank you very much for the opportunity to testify in support **H.B. 963, HD2**.

HB-963-HD-2

Submitted on: 1/27/2026 10:51:11 AM

Testimony for HHS on 1/28/2026 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Austin "Shiloh" Martin	Testifying for Libertarian Party of Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Chair Aquino, Vice Chair Shimabukuro, and committee members. I am Austin Martin, Chair of the Libertarian Party of Hawaii, testifying with qualified support for HB 963 HD2 (Crimes Against Elders/Minors).

To the extent HB 963 HD2 targets actual physical harm or fraud against vulnerable individuals, it upholds the legitimate defensive function of government consistent with the non-aggression principle.

The HD2 amendments must be scrutinized for any expansion of criminal definitions that could capture non-violent conduct. I recommend passing only after tightening requirements for specific intent and direct victim impact to ensure proportionality.

Mahalo for your careful kokua to this matter.

Austin Martin

Libertarian Party

TESTIMONY IN STRONG SUPPORT OF HB963, HD2
Being heard by the Senate Committee on Health & Human Services
Wednesday, January 28, 2026 at 1:30p.m.
In Conference Room 225

Aloha Chair San Buenaventura, Vice Chair McKelvey, and members of the Committee:

I am testifying in strong support of HB963, HD2. It's my understanding that the purpose of HRS sections referenced in this Bill is to provide added protection for our Kupuna by making the penalties harsher when they are victims of crime. However, as currently written there is a loophole in the bill which defeats the purpose. The language that states, "and the age of the injured person is known or reasonably should be known to the person causing the injury" needs to be removed as proposed in this bill.

Whether a person is 60 years or older is a matter of fact. While whether a person looks or acts like a Kupuna is subjective. Thus, we should stick to the facts and strict liability should apply.

I can speak from personal experience; a few years ago, I was assaulted at 9a.m. on a very busy street in Honolulu and although I was 62 at the time, the Prosecutors did not seek the higher penalty for a Kupuna victim because of the loophole and because strict liability did not apply. Thus, I was prohibited to receive the added protection that the Legislature felt was appropriate for Kupunas. This bill would fix this wrong.

Assailants may think twice about attacking someone if they know that higher penalties will occur. Indeed, when my assailant saw me calling for help, he brazenly yelled, "Go ahead, nothing is going to happen to me." The current loophole in the law is a "get out of jail card" that needs to be eliminated.

I think we would all agree that as a State we should do everything possible to limit crimes; especially against vulnerable kupuna?

Therefore, as a Kupuna, I strongly request that you pass out this bill.

Thank you,

Sandie Wong

HB-963-HD-2

Submitted on: 1/26/2026 8:48:30 PM

Testimony for HHS on 1/28/2026 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Veronica Moore	Individual	Support	Written Testimony Only

Comments:

To: Senator Joy A. San Buenaventura, Chair

Senator Angus L.K. McKelvey, Vice Chair

Committee on Health and Human Services

From: Veronica Moore, Individual Citizen

Date: January 26, 2026

RE: House Bill 963 HD2

Measure Title: RELATING TO CRIMES AGAINST ELDERS.

Report Title: Criminal Offenses; Sentencing; Strict Liability; Crimes Against Elders

To All Concerned,

My name is Veronica Moore and I support House Bill 963 HD2. Thank you.

Sincerely,

Veronica M. Moore