

DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU

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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 27, 2026

RE: S.B. 594; RELATING TO CRIMES AGAINST SENIORS.

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 S.B. 594 with recommended amendments.

S.B. 594 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. This bill eliminates that burden.

The Department strongly supports removing this mens rea requirement for the underlying offenses. Kupuna deserve protection regardless of whether they look their age. A seventy-five-year-old assault victim suffers the same injuries whether the assailant perceived them as sixty or fifty. A kupuna defrauded of their retirement savings faces the same devastating loss whether the scammer guessed their age correctly. The harm is identical; the law should recognize that reality.

However, enhanced sentencing presents a distinct question. Enhanced sentencing adds years to incarceration based on findings of dangerousness and specific aggravating factors. When we ask courts to impose these lengthier sentences, we should demonstrate that the offender specifically targeted elderly victims. This distinction matters for proportionality and maintains public confidence in our sentencing framework.

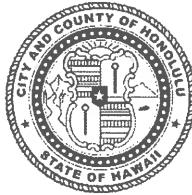
The Department recommends a two-tier approach: strict liability for base offenses, mens rea for enhanced sentencing. This gives prosecutors the tools to convict those who harm kupuna while ensuring the longest sentences apply to predators who deliberately exploit age.

Thank you for the opportunity to testify.

HONOLULU POLICE DEPARTMENT
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INTERIM DEPUTY CHIEFS
NA 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: Senate Bill No. 594, Relating to Crimes Against Seniors

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

The HPD supports Senate Bill No. 594, Relating to Crimes Against Seniors.

The intent of this bill is to remove the requirement that a perpetrator of certain crimes knows or reasonably should know that the victim is a person 60 years of age or older.

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 Senate Bill No. 594, Relating to Crimes Against Seniors.

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: SB 594. Relating to Crimes Against Seniors

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.

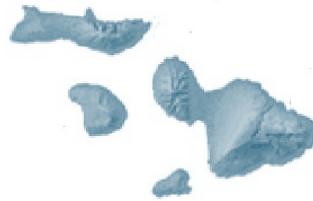
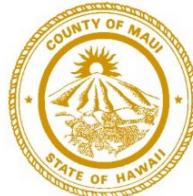
Protecting kupuna is best achieved through access to supportive services, caregiver support, mental health and substance use treatment, and individualized court responses. There are far more effective and urgently-needed means for the state legislature to provide care to kupuna than enactment of a class 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 S.B. 594 RELATING TO CRIMES AGAINST SENIORS

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 S.B. 594, Relating to Crimes Against Seniors**. This bill enhances protection for senior crime victims by holding offenders strictly liable as to knowledge of the victim's age: 1) when determining an offender's eligibility for extended term and mandatory minimum sentencing, and 2) for certain assault and property crimes.

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 and appropriate punishment 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 S.B. 594**. 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.



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**The State Legislature
Senate Committee on Health and Human Services
Wednesday, January 28 2026
Conference Room 225, 1:30 p.m.**

TO: The Honorable Joy San Buenaventura, Chair
FROM: Keali'i S. López, State Director
POSITION: Support for S.B. 594 Relating to Crimes Against Seniors

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 aged 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 Hawai'i is in support for SB 594, which removes the requirement that a perpetrator of certain crimes must know or reasonably should know that the victim is 60 years of age or older before enhanced penalties apply. This bill represents an important step toward strengthening protections for Hawai'i's older adults and ensuring the criminal justice system fully recognizes the increased vulnerability of seniors.

SB 594 strengthens legal protections for kūpuna. Older adults face heightened physical, financial, emotional, and cognitive vulnerabilities, making them disproportionately impacted by violent and economic crimes. Under current law, offenders often escape enhanced penalties simply by arguing they did not know the victim's age. SB 594 removes a common defense that undermines accountability and ensures seniors receive the full protection that the Legislature intended.

AARP Hawai'i continues to advocate for stronger protections against elder abuse, neglect, exploitation, and violence, and strongly supports SB 594. Thank you for the opportunity to submit testimony on this bill.

SB-594

Submitted on: 1/27/2026 10:48:35 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 SB 594 (Crimes Against Elders/Minors).

SB 594 strengthens penalties for coercion and exploitation targeting elders and minors, appropriately addressing direct violations of personal sovereignty that warrant state intervention. This targeted response defends those least able to protect themselves without broadly expanding criminal statutes.

Precision in language is essential to preserve presumption of innocence and judicial discretion. I recommend advancing the measure only after amendments eliminate any mandatory minimums and emphasize restitution to victims.

SB-594

Submitted on: 1/24/2026 11:25:08 AM
Testimony for HHS on 1/28/2026 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

Wasn't the age recently changed to sixty years old? What are the reasons justifying the recommended change?