

ACT 108

S.B. NO. 1458

A Bill for an Act Relating to Investigation of Elderly Abuse or Neglect.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 349C-3, Hawaii Revised Statutes, is amended to read as follows:

“[§349C-3] Action on reporting. The department of social services and housing, upon receiving an oral report under section 349C-2, [shall,] where the department deems it appropriate, shall take action towards preventing further abuse or neglect. Any employee of the department engaged in an investigation under this section shall be authorized to visit and communicate with the elderly person who is the subject of the report. Any such employee, who is accompanied by a police officer may, with or without a warrant, on reasonable suspicion of abuse or neglect of the elderly person, or on reasonable suspicion of obstruction or interference with the determination of the elderly person’s welfare, enter upon the premises after entry is gained by a police officer where the elderly person may be found for the purpose of ascertaining the elderly person’s welfare. Any person intentionally or knowingly obstructing or interfering with the department’s access to or communication with the elderly person shall be guilty of a misdemeanor. If the elderly person who is or has been the subject of elderly abuse or neglect has suffered injury or harm so serious that criminal prosecution of the person who committed the elderly abuse or neglect is warranted, the department shall report its findings to the appropriate police department or prosecuting attorney.

The department of social services and housing shall maintain a central registry of reported cases.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 31, 1987.)