

STAND. COM. REP. NO.

900

Honolulu, Hawaii

MAR 05 , 2021

RE: H.B. No. 490
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 490, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Lower the age at which enhanced penalties apply for crimes against seniors from sixty-two years of age to sixty years of age; and
- (2) Make the commission of certain criminal offenses against a senior's person or property applicable if the perpetrator knows or reasonably should know the senior victim's age.

Your Committee received testimony in support of this measure from the Department of Human Services, Executive Office on Aging, Department of the Prosecuting Attorney of the County of Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Maui Police Department, and four individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

2021-2036 HB490 HD2 HSCR HMSO



Your Committee finds that there have been a number of violent crimes targeting seniors in the State. Your Committee further finds that the State's senior citizens lack adequate protection against physical, emotional, and financial exploitation under existing law. This measure more closely aligns certain Penal Code statutes with common elder abuse scenarios, which will allow law enforcement and prosecutors to appropriately respond.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2021, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 490, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 490, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,




MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

JTSCR 900

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 490 HD1		Committee Referral: HHH, JHA		Date: 2-23-21	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
JHA Members	Ayes	Ayes (WR)	Nays	Excused	
1. NAKASHIMA, Mark M. (C)	✓				
2. MATAYOSHI, Scot Z. (VC)	✓				
3. ICHIYAMA, Linda	✓				
4. KOBAYASHI, Dale T.		✓			
5. LoPRESTI, Matthew S.	✓				
6. LOWEN, Nicole E.	✓				
7. McKELVEY, Angus L.K.	✓				
8. NAKAMURA, Nadine K.	✓				
9. TAKUMI, Roy M.		✓			
10. TODD, Chris	✓				
11. TOKIOKA, James Kunane	✓				
12. WARD, Gene	✓				
TOTAL (12)	10	2	0	0	
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: 					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					