

STAND. COM. REP. NO. 1212

Honolulu, Hawaii

MAR 25 2021

RE: H.B. No. 490
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 490, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent 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 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, Adult Protective Community Services, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, Hawai'i Police Department, Macha, and five individuals. Your Committee received comments on this measure from the Office of the Public Defender.



Your Committee finds that the rate of crimes targeting seniors in the State has increased in recent years. Your Committee further finds that the State's senior citizens are especially vulnerable to long-term physical, emotional, and financial harm from criminal acts, and that there is lack of adequate protection against exploitation of senior citizens 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) Clarifying that a person employed or contracted to work by a mutual benefit society receives increased protection if the person provides case management services in a hospital, health care provider's office, or home;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments 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. 490, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 490, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



