

STAND. COM. REP. NO.

294

Honolulu, Hawaii

FEB 17 2021

RE: S.B. No. 1134
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 Human Services, to which was referred S.B. No. 1134 entitled:

"A BILL FOR AN ACT RELATING TO ADULT PROTECTIVE SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to broaden the Department of Human Services' ability to protect vulnerable adults who may require intervention by Adult Protective Services.

Your Committee received testimony in support of this measure from the Department of Human Services, Executive Office on Aging, and Maui County Department of the Prosecuting Attorney.

Your Committee finds that reports of abuse against vulnerable adults continue to rise as Hawaii's population ages. Your Committee also finds that the Department of Human Services is authorized to enter premises without a warrant for purposes of investigating the abuse of vulnerable adults, pursuant to section 346-229, Hawaii Revised Statutes. Your Committee further finds that existing law limits that right of warrantless entry only to situations in which there is probable cause to believe that a vulnerable adult will be physically injured. However, your Committee also finds that abuse includes not only physical abuse, but also psychological abuse, sexual abuse, financial exploitation, caregiver neglect, or self-neglect. Accordingly, your Committee finds that to better serve vulnerable adults who



may be victims of abuse, the Department's right of entry into a vulnerable adult's premises without a warrant for an investigation should extend to any type of abuse, regardless of whether there is physical injury.

Your Committee has amended this measure by 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1134, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1134, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,




JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1134	HMS, JDC	02/11/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes