2016 Legislation regarding Financial Crimes Against the Elderly & Vulnerable Adults
July 28, 2016
*Enactments noted in italics*

**Alabama**
H.B. 211
*Substituted by S.B. 220 4/12/16*
This bill requires reports to the Alabama Securities Commission and the Department of Senior Services by certain brokers, agents, and others when the individual has a reasonable belief that financial exploitation of a vulnerable adult has been attempted or has occurred. The bill authorizes limited disclosure to third parties who are reasonably affiliated with the vulnerable adult. The bill provides that disclosures may not be made to the third party if the qualified individual suspects the third party of the financial exploitation.

S.B. 220
*Signed by governor 4/15/16, Act 141*
Relates to the protection of vulnerable adults; requires that qualified individuals who reasonably believe that financial exploitation of a vulnerable adult may have occurred, been attempted, or is being attempted, to notify promptly the Department of Human Resources and the Alabama Securities Commission; authorizes the disclosure to third parties in certain instances where a vulnerable adult has some relationship; prohibits disclosure to the third party if the qualified individual suspects the third party of the financial exploitation; provides that broker-dealers and investment advisers may delay disbursing funds from a vulnerable adult’s account; provides immunity for administrative and civil actions based on certain actions of disclosure or delayed disbursements; and requires that broker-dealers and investment advisors to comply with certain requests for information.

**Alaska**
S.B. 108
Repeals and reenacts the Alaska Securities Act, including provisions relating to exempt securities and transactions; relates to registration of securities, firms, and agents that offer or sell securities and investment advice; relates to administrative, civil, and criminal enforcement provisions, including restitution and civil penalties for violations; allows certain civil penalties to be used for an investor training fund; establishes increased civil penalties for harming older Alaskans; retains provisions concerning corporations organized under the Alaska Native Claims Settlement Act.

**Arizona**
H.B. 2394
Relates to power of attorney of a vulnerable adult; relates to notice of duty to report regarding financial exploitation of a vulnerable adult.
H.B. 2576
Relates to power of attorney; relates to notice; relates to duties.

California
A.B. 441
Died pursuant to Article IV, Sec. 10(c) of the Constitution 1/31/16
Existing law makes it a public offense for a person to acquire or retain possession of, or sell or transfer, the personal identifying information of another person with the intent to defraud. Existing law makes these offenses punishable as misdemeanors or felonies, as specified. This bill provides an enhanced sentence of an additional two years imprisonment for a felony conviction when the victim was 65 years of age or older.

A.B. 1382
Died at desk 2/1/16
Existing law makes it a crime for a person who knows or reasonably should know that a person is an elder or dependent adult to willfully cause or permit the person or health of the elder or dependent adult to be injured, or willfully cause or permit the elder or dependent adult to be placed in a situation in which his or her person or health is endangered. Existing law specifies penalties for a person who violates any provision of law proscribing theft, embezzlement, forgery, fraud, or specified identity theft provisions of law when the victim is an elder or a dependent adult. This bill makes technical, nonsubstantive changes to these provisions.

A.B. 1718
Existing law makes it a crime for any person to violate specified laws proscribing theft, embezzlement, forgery, fraud, or identity theft with respect to the property or identifying information of an elder or dependent adult. Existing law makes a violation of those provisions punishable as a misdemeanor or a felony in county jail, as prescribed, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value exceeding $950. This bill instead makes a violation of those provisions punishable as a misdemeanor in county jail or as a felony in state prison, as prescribed.

A.B. 1754
Passed Assembly 6/1/16
This bill creates the San Diego County Elder or Dependent Adult Financial Abuse Crime Victim Compensation Pilot Program and authorizes the board, upon appropriation by the Legislature before Jan. 1, 2019, to provide victims of elder or dependent adult financial abuse compensation to reimburse costs for financial counseling, mental health counseling, or supportive services, as specified, if the crime occurred in the County of San Diego. The bill limits compensation pursuant to this authorization to $3,000 per person and an aggregate total of $1 million. The bill excludes a derivative victim from eligibility for compensation if the only crime the victim suffered was elder or dependent adult financial abuse. The bill authorizes the pilot program to operate until Jan. 1, 2020. The bill requires the board to report specified information related to the pilot program to the Legislature and governor on or before July 1, 2020. The bill repeals these provisions on Jan. 1, 2021. This bill makes related legislative findings and declarations, including findings and declarations as to the necessity of a special statute enacting a pilot program in the County of San Diego.

A.B. 2295
Signed by governor 6/27/16, Chapter 37
Existing law requires the court to order a person who is convicted of a crime to pay restitution to the victim or victims for the full amount of economic loss, unless the court finds compelling and extraordinary reasons for not doing so and states them on the record. Existing law specifically requires a defendant subject to the aggravated white collar crime enhancement, and a person convicted of a felony involving theft, embezzlement, forgery, or fraud, with respect to the property or personal identifying information of an elder or a dependent adult, to be ordered to make full restitution to the victim or to make restitution to the victim
based on his or her ability to pay. This bill requires the court to order full restitution and makes technical, nonsubstantive changes.

A.B. 2721
Signed by governor 7/22/16, Chapter 80
This bill requires the Department of Justice to develop and distribute an informational notice that warns the public about elder and dependent adult fraud and provides information regarding how and where to file complaints. The bill also requires the notice to be made available on the internet website of the attorney general.

S.B. 338
Returned to secretary of Senate pursuant to Joint Rule 56 2/1/16
Existing law provides that a person who knows or reasonably should know that the victim is an elder or dependent adult, and under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits the victim to suffer unjustifiable physical pain or mental suffering, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed $6,000, or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four years. This bill provides that a person who knows or reasonably should know that the victim is an elder or dependent adult, and under circumstances or conditions likely to produce significant or substantial mental suffering, willfully causes or permits the victim to suffer unjustifiable mental suffering, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed $6,000, or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four years.

S.B. 473
Returned to secretary of Senate pursuant to Joint Rule 56 2/1/16
Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse, and provides that the purpose of the act is to, among other things, collect information on the number of abuse victims, circumstances surrounding the abuse, and other data. The act defines the term “abuse of an elder or a dependent adult” for its purposes. Existing law also makes it a crime for a person who knows or reasonably should know that a person is an elder or dependent adult to willfully cause or permit the person or health of the elder or dependent adult to be injured, or willfully cause or permit the elder or dependent adult to be placed in a situation in which his or her person or health is endangered. Existing law specifies penalties for a person who violates any law proscribing theft, embezzlement, forgery, or fraud, or specified identity theft laws, when the victim is an elder or a dependent adult. This bill requires a person who is convicted for a crime involving the abuse of an elder adult, as defined in the Elder Abuse and Dependent Adult Civil Protection Act, to register for the remainder of his or her life with all police departments and the sheriff in the county in which the person was convicted and in the county in which he or she resides. The bill requires the police department or county sheriff to forward the registration information to the Department of Justice. The bill requires the Department of Justice to maintain a publicly accessible Internet Web site containing certain information concerning persons who are required to register pursuant to these provisions. The bill makes it a crime to use information obtained from the Internet Web site to commit a crime, and subjects a person who uses information obtained from the Internet Web site for any other reason than to protect an at-risk person to civil liability, as specified. The bill relieves a person from the duty to register pursuant to these provisions if he or she receives a certificate of rehabilitation and he or she is not in custody, on parole, or on probation. The bill makes it a misdemeanor for a person who is required to register pursuant to these provisions to willfully violate any requirements related to registration.
Colorado
H.B. 1394
Signed by governor 5/18/16, Chapter 172
Clarifies definitions related to at-risk persons; relates to certain recommendations of the at-risk adults with intellectual and developmental disabilities mandatory reporting implementation task force; specifies enhanced penalties for crimes against at-risk person to apply to all persons over a certain age and all persons with a disability.

Connecticut
H.B. 5289
Signed by governor 6/10/16, Public Act 149
This bill broadens the circumstances when the Department of Social Services (DSS) commissioner must disclose the results of an investigation into suspected elderly abuse, neglect, exploitation, or abandonment, but limits the type of information that may be disclosed. Under current law, if the elderly individual is a long-term care facility resident, the commissioner must, upon request, disclose the investigation’s results to the person who initially reported the suspected abuse. The bill (1) requires the commissioner to disclose an investigation’s results to the person who made the report, regardless of whether the elderly individual resides in a long-term care facility, and (2) restricts what information may be disclosed. The bill also requires the DSS commissioner to develop a plan to (1) incorporate the federal Administration for Community Living’s Voluntary Consensus Guidelines for State Adult Protective Services into the state’s elderly protective services program and (2) align state elder abuse data collection with the National Adult Maltreatment Reporting System standards. The commissioner must submit the plan, along with any legislative recommendations, to the Aging and Human Services committees by July 1, 2017. The commissioner must also develop an educational training program to promote accurate and prompt reporting of elderly abuse, neglect, exploitation, and abandonment. The bill does not specify a time-frame for developing the training program, which must be available to mandated reporters and other interested people on DSS’ website and in person or otherwise at various times and locations throughout the state, as determined by the commissioner. Under the bill, the Commission on Aging must evaluate the elderly protective services system and recommend whether it should be expanded to serve individuals age 18 years and older. The evaluation must describe (1) the current protective services structure, including any gaps in the current system; (2) the need, if any, for an expanded protective services system; (3) protective services models in other states; and (4) the overall capacity of the current system to meet present and future needs. The commission must submit its findings to the Aging and Human Services committees by Oct. 1, 2017.

Delaware
H.B. 158
Withdrawn from further consideration 1/19/16
This bill creates penalties for the failure to report a reasonable cause to believe that an adult person who is impaired or incapacitated is in need of protective services. The penalties are intended to match those that are currently in place for the failure to report the suspected abuse of a child, as outlined in §903 of Title 16 of the Delaware Code.

H.C.R. 88
Adopted 6/16/16
Recognizes June 15, 2016, as “Delaware Elder Abuse Awareness Day” and encourages all of Delaware’s citizens to learn about how to protect and nurture our elderly citizens.

District of Columbia
B21-326
Enrolled 7/12/16
Amends the District of Columbia Theft and White Collar Crimes Act of 1982 to increase the term of imprisonment from 10 to 15 years for theft in the first degree, repeals enhanced penalties for identity theft
and includes those penalties in another provision of the act, changes the age of enhanced penalty applicability for crimes against seniors from 60 years to 65 years, and adds the crime of identity theft and financial exploitation of a vulnerable adult or elderly person to the list of crimes committed against seniors that are subject to enhanced penalties; amends the Criminal Abuse and Neglect of Vulnerable Adults Act of 2000 to criminalize the financial exploitation of a vulnerable adult or elderly person, modifies the definition of the term vulnerable adult, defines the term elderly person, conforms the enhanced penalties for a vulnerable adult or elderly person to the enhanced penalties for theft, establishes civil penalties, and provides for injunctive relief; and amends the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to provide the attorney general with limited subpoena authority related to seeking relief for a victim of financial exploitation of a vulnerable adult or elderly person.

Georgia
H.R. 1366
Creates the House Study Committee on a Georgia Abuser Registry.

S.R. 1175
Creates the Senate Study Committee on a Georgia Abuser Registry.

Idaho
S.B. 1327
Signed by governor 3/23/16, Chapter 147
Relates to vulnerable adults; amends existing law to revise the definition of neglect to include exploitation.

Illinois
H.B. 1156
Amends the Code of Criminal Procedure of 1963. Makes a technical change in a section concerning the admissibility of hearsay evidence in a prosecution for elder abuse, neglect, or financial exploitation.

H.B. 1201
Amends the Code of Civil Procedure. Makes a technical change in a section concerning the admissibility of out of court statements concerning elder abuse, neglect, or financial exploitation made by elderly adults.

H.B. 3529
Passed House 4/23/15
Amends the Criminal Code of 2012 concerning financial exploitation of an elderly person or a person with a disability. Provides that the offense includes obtaining control over the property of an elderly person or a person with a disability or illegally using the assets or resources of an elderly person or a person with a disability, including income required to be applied to the cost of care of an elderly person or person with a disability residing in a facility licensed under the Nursing Home Care Act in order to establish and maintain Medicaid eligibility for long term care supports and services as provided in the Illinois Public Aid Code. Amends the Unified Code of Corrections. Provides that in addition to the sentence provided for the offense, the state's attorney of the county that prosecuted the defendant shall request that the court order a person convicted of financial exploitation of an elderly person or a person with a disability, who failed to pay the long term care facility licensed under the Nursing Home Care Act for care provided to the elderly person or person with a disability, to pay restitution to the facility where the elderly person or a person with a disability resided at the time of the financial exploitation of all amounts that are owed to the facility to pay for the care of the elderly person or a person with a disability.

H.B. 3752
Creates the Financial Institutions Elder Abuse Reporting Act. Provides that a financial institution shall make an abuse report if an employee of the financial institution (i) has direct contact with an elder adult or reviews or approves an elder adult’s financial documents, records, or transactions in connection with
financial services provided by the financial institution to or for the elder adult, and (ii) observes or obtains knowledge of behavior, unusual circumstances, or transactions that leads the employee to know or have reasonable cause to suspect that the elder adult is the victim of financial abuse. Provides that an abuse report made under the Act is confidential. Provides that a financial institution shall establish and implement a training program to (i) assist employees in recognizing signs of potential financial abuse of an elder adult and (ii) inform employees about the requirement to file abuse reports provided by the Act. Provides for civil penalties for failure to file an abuse report.

H.B. 4109
Amends the Illinois Banking Act, the Savings Bank Act, and the Illinois Credit Union Act. Provides that persons or entities under those Acts furnishing information concerning financial abuse of the elderly shall be entitled to the rights and protections of a person furnishing information under the Department of Human Services Act.

H.B. 4552
Signed by governor 7/15/16, Public Act 99-0547
Amends the Adult Protective Services Act. Adds state’s attorney’s offices to the list of persons and agencies granted access, upon request, to records concerning reports of abuse, neglect, financial exploitation, or self-neglect.

H.B. 5440
Amends the Code of Criminal Procedure of 1963. Makes a technical change in a section concerning the admissibility of hearsay evidence in a prosecution for elder abuse, neglect, or financial exploitation.

H.B. 5805
Sent to governor 6/23/16
Amends the Criminal Code of 2012. Provides that a prosecution for theft of property (rather than involving real property) exceeding $100,000 in value or financial exploitation of an elderly person or a person with a disability may be commenced within seven years of the last act committed in furtherance of the crime.

H.B. 6079
Amends the Criminal Code of 2012. Provides that any person who assumes the responsibility of managing the financial affairs of an elderly person who is a resident of a facility licensed under the Nursing Home Care Act or person with a disability who is a resident of a facility licensed under the Nursing Home Care Act commits financial exploitation of an elderly person or person with a disability if that person assumes the responsibility of managing the financial affairs of the elderly person or person with a disability and fails to pay for the facility care of the elderly person or person with a disability from the assets or income of the elderly person or person with a disability. Provides that evidence of misappropriating funds and failure to pay for the care of an elderly or disabled person may include proof that the facility has sent to the person who has assumed responsibility of managing the financial affairs of an elderly person or person with a disability, by certified mail with confirmation receipt requested, notification of failure to pay facility care expenses incurred by the elderly person or person with a disability.

H.B. 6175
Amends the Criminal Code of 2012. Provides that a person who commits the offense of financial exploitation of an elderly person or a person with a disability may be tried in any one of the following counties in which: (1) any part of the offense occurred; or (2) the victim or one of the victims reside. Provides that a prosecution for the offense of financial exploitation of an elderly person or a person with a disability may be commenced within seven years of the last act committed in furtherance of the crime (rather than three years after commission of the offense). Provides that theft by deception in which the offender obtained money or property valued at $5,000 or more from a person with a disability is a Class 2 felony.
H.B. 6176
Amends the Adult Protective Services Act. Provides that pending an investigation by the financial institution, the Department on Aging, or law enforcement, if a financial institution reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, the financial institution may, but is not required to, refuse a transaction requiring the disbursement of funds contained in the account: (i) of the eligible adult; (ii) on which the eligible adult is a beneficiary, including a trust or guardianship account; or (iii) of a person suspected of perpetrating financial exploitation of an eligible adult. Requires a financial institution that refuses to disburse funds to report the incident to the Adult Protective Services Program, local law enforcement, and other specified persons. Provides that a financial institution’s refusal to disburse funds shall expire within certain timeframes under certain conditions; and that a court of competent jurisdiction may enter an order extending the refusal by the financial institution to disburse funds. Exempts a financial institution and its employees from criminal, civil, and administrative liability for refusing to disburse funds or disbursing funds if the determination of whether or not to disburse funds was made in good faith.

H.R. 932
Urges the federal government to place a temporary embargo or increase any current ban on discontinued toll-free telephone numbers for two years after the federal or state government no longer uses the phone number.

S.B. 2879
Amends the Adult Protective Services Act. Provides that pending an investigation by the financial institution, the Department on Aging, or law enforcement, if a financial institution reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, the financial institution may, but is not required to, refuse a transaction requiring the disbursement of funds contained in the account: (i) of the eligible adult; (ii) on which the eligible adult is a beneficiary, including a trust or guardianship account; or (iii) of a person suspected of perpetrating financial exploitation of an eligible adult. Requires a financial institution that refuses to disburse funds to report the incident to the Adult Protective Services Program, local law enforcement. Provides that a financial institution’s refusal to disburse funds shall expire within certain timeframes under certain conditions; and that a court of competent jurisdiction may enter an order extending the refusal by the financial institution to disburse funds. Exempts a financial institution and its employees from criminal, civil, and administrative liability for refusing to disburse funds or disbursing funds if the determination of whether or not to disburse funds was made in good faith.

S.B. 3081
Amends the Criminal Code of 2012. Provides that a prosecution for financial exploitation of an elderly person or a person with a disability may be commenced within seven years of the last act committed in furtherance of the offense.

S.B. 3180
Passed Senate 4/21/16
Amends the Criminal Code of 2012. Provides that a person who commits the offense of financial exploitation of an elderly person or a person with a disability may be tried in any one of the following counties in which: (1) any part of the offense occurred; or (2) the victim or one of the victims reside. Provides that a prosecution for the offense of financial exploitation of an elderly person or a person with a disability may be commenced within seven years of the last act committed in furtherance of the crime (rather than three years after commission of the offense). Provides that theft by deception in which the offender obtained money or property valued at $5,000 or more from a person with a disability is a Class 2 felony.
Indiana
S.B. 12
Passed Senate 1/28/16
Permits a financial institution to release certain financial records to a law enforcement agency or adult protective services unit if the financial institution reasonably suspects illegal activity in connection with the account, and provides immunity to a financial institution that releases, or does not release, this information. Permits a court to order a person convicted of exploitation of a dependent or endangered adult to disgorge all or some of any property the person received as the result of the death of the dependent or endangered adult. Urges the general assembly to assign the topic of adult protective services to a study committee during the 2016 legislative interim.

S.B. 221
Signed by governor 3/21/16, Public Law 39
Defines "financially endangered adult" as an individual who is: (1) at least 65 years of age; or (2) at least 18 years of age and is incapable, by reason of certain mental or physical incapacities, of managing the individual's property. Defines "qualified individual" as an individual associated with a broker-dealer who serves in a supervisory, compliance, or legal capacity as part of the individual's job. Provides that "protective agencies" refers to the adult protective services unit and the securities commissioner. Requires that a qualified individual who has reason to believe that financial exploitation of a financially endangered adult has occurred, has been attempted, or is being attempted shall make a report and notify the protective agencies. Allows a qualified individual to refuse a request for disbursement of funds from an account: (1) owned by a financially endangered adult; or (2) of which a financially endangered adult is a beneficiary or beneficial owner; if the qualified individual has reason to believe that the requested disbursement will result in financial exploitation of the financially endangered adult. Establishes requirements for notification by a broker-dealer or qualified individual if a qualified individual refuses a request for disbursement of funds. Provides for expiration of the refusal of disbursement. Provides broker-dealers and qualified individuals certain immunity from administrative or civil liability. Allows broker-dealers to provide to certain entities access to or copies of records relevant to a suspected financial exploitation. Requires the securities commissioner to develop and make available on the secretary of state's Internet web site information that includes training resources to assist in the prevention and detection of financial exploitation of financially endangered adults. Changes deposits into the securities division enforcement account and state general fund from 50 percent, to each fund, of the first $2 million of amounts recovered from: (1) civil penalties; (2) settlements of actions; and (3) judgments awarded; in the enforcement of the securities law to 50 percent, to each fund, of the first $4 million. Specifies that any amount exceeding $4 million is deposited into the state general fund.

Kansas
S.B. 219
Stricken from calendar 2/18/16
The bill amends the law relating to the reporting of abuse, neglect, or exploitation of adults by the addition of "vulnerable" to the term "adult" as used in the section. The bill defines "vulnerable adult" to mean an individual 18 years of age or older who has a physical, mental, or frail condition alleged to be unable to protect their own interest and who is harmed or threatened with harm, whether financial, mental, or physical in nature. The bill also clarifies that "involved adult" means a vulnerable adult who is the subject of an investigation of abuse. Certain persons would be mandated to report suspected abuse, neglect, or exploitation of adults. The bill organizes the various mandatory reporters in similar fashion to the list of mandatory reporters found in the Revised Kansas Child in Need of Care Code: Persons providing medical care or treatment; persons licensed by the state to provide mental health services; teachers, school administrators, or other employees of an educational institution the vulnerable adult is attending; and firefighters, emergency medical services personnel, law enforcement officers, court services officers, community corrections officers, administrative officers, and others providing services to vulnerable adults. Upon receiving a report of vulnerable adult abuse, neglect, or exploitation, the Kansas Department for
Children and Families (DCF) would make a face-to-face assessment with the involved adult. The bill requires DCF to forward any substantiated finding of abuse, neglect, or exploitation alleged to have been committed by a service provider to the appropriate state regulatory authority, if applicable. The bill also requires DCF to inform complainants that an investigation has been initiated. If the involved adult has no legal representative and lacks capacity to consent, DCF may petition the court for appointment of a guardian, conservator, or both. Finally, the bill sets forth certain terms dealing with consent to receive protective services.

Louisiana
H.B. 668
Amends and reenacts R.S. 44:4.1(B)(2) and enacts R.S. 6:333(F)(19) and Part XIV of Subchapter A of Chapter 3 of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:341 through 345, relative to the regulation of financial institutions; authorizes certain disclosures; provides for definitions; provides for governmental and third party disclosures; regulates access to records; provides for immunity.

S.B. 338
Signed by governor 6/17/16, Act 580
Enacts Part X-A of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:725 through 725.7, relative to trade and commerce; provides certain protections for vulnerable adults from financial exploitation; provides definitions, terms, conditions, requirements, and procedures; provides with regard to governmental disclosures and immunity; provides for third-party disclosures and immunity; provides for delaying disbursements and immunity; provides for receipt of notice; and provides with regard to record-keeping.

Maine
L.D. 1620
This resolve, which is a recommendation of the Commission to Study Difficult-to-place Patients, directs the financial abuse specialist team in the Department of Health and Human Services’ office of aging and disability services to convene a stakeholder group to review the state’s criminal laws, the Adult Protective Services Act in the Maine Revised Statutes, Title 22, chapter 958-A and any other relevant state laws to identify potential statutory changes to enable and support criminal prosecution of crimes against the elderly and persons with disabilities, including the enhancement of penalties for such crimes. The financial abuse specialist team is directed to submit, by Jan. 15, 2017, a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters detailing the stakeholder group’s findings and any recommendations for legislation regarding changes to the state’s laws to enable and support criminal prosecution of crimes against the elderly and persons with disabilities and the committee may report out legislation relating to the report.

Maryland
H.B. 718
Signed by governor 4/12/16, Chapter 114
Authorizes the Division of Consumer Protection of the Office of the Attorney General to bring a civil action for damages against a specified person who violates specified provisions of law on behalf of a specified vulnerable adult; authorizes the Division to recover damages for property loss or damage; authorizes the Division to recover the costs of the action for the use of the Office of the Attorney General; applies the Act prospectively; etc.

Massachusetts
H.B. 514
Relates to deceptive actions perpetrated against elderly and disabled persons.
H.B. 517
Mandates reporting of elder abuse.

H.B. 1366
Relates to the prevention of financial exploitation of the elderly.

Minnesota
H.F. 843
Passed House 4/22/15
S.F. 804
Relates to economic development; appropriates money for the Departments of Employment and Economic Development, Labor and Industry, and Commerce; the Bureau of Mediation Services; Housing Finance Agency; Explore Minnesota Tourism; Boards of Accountancy, AELSAGID, Cosmetologist Examiners, and Barber Examiners; Workers’ Compensation Court of Appeals; and Public Utilities Commission; makes policy and technical changes; modifies fees; provides penalties; requires reports; modifies data sharing.

H.F. 2958
S.F. 2537
Expands law enforcement access to financial records in certain limited circumstances.

H.F. 3064
S.F. 2655
Provides financial exploitation protections for older adults and vulnerable adults; appropriates money.

H.F. 3454
S.F. 3222
Requires the implementation of a statewide education and outreach program to protect vulnerable adults, seniors, and caregivers from financial exploitation; appropriates money.

H.F. 3536
Changes the effect of financial exploitation of a vulnerable adult in a probate; allows an emergency order to protect the assets of the decedent when the decedent has been a victim of financial exploitation.

Mississippi
H.B. 608
Died in committee 2/3/16
Amends §43-47-5 to revise the definition of exploitation in the provision of law that regulate the vulnerable persons act and amends §43-47-19 to revise the penalties for exploitation of a vulnerable person.

Nebraska
L.B. 934
Signed by governor 4/18/16
Amends §§28-371, 30-2222, 30-2636, and 83-174.02, Reissue Revised Statutes of Nebraska, §§28-348, 28-350, 28-358, 28-374, 28-386, 29-110, 29-4003, 29-4103, 30-2601, 30-4103, 30-4104, 30-4115, and 30-4116, Revised Statutes Cumulative Supplement, 2014, and §§28-101, 30-2201, and 30-2619, Revised Statutes Supplement, 2015; to change provisions relating to vulnerable adults and senior adults under the Adult Protective Services Act; defines and redefines terms; changes the statute of limitations for knowing and intentional abuse, neglect, or exploitation of a vulnerable adult; changes penalty provisions; provides qualification requirements, powers, duties, and limitations for guardians ad litem in guardianship, conservatorship, and other protective proceedings; states legislative findings; requires reports; allows payment for costs of evaluations; changes provisions relating to the Public Guardianship Act; harmonizes provisions; repeals the original sections; and declares an emergency.
L.B. 953  
*Postponed indefinitely 4/20/16*

The bill establishes a process whereby a financial advisor who suspects that attempted financial exploitation of a vulnerable adult client may be occurring may notify his/her firm of the suspected financial exploitation. The firm, upon suspecting financial exploitation of a vulnerable adult client, may temporarily refuse to execute the client's requested financial transaction and notify the appropriate agencies. The refusal to execute a transaction described above will expire upon the earliest occurrence of one of three events: 1) the financial advisor or firm reasonably believes that execution of the transaction will not result in financial exploitation; 2) 15 business days after the initial refusal; or notification from the Nebraska Department of Insurance or Department of Banking and Finance that the transaction should be executed. Financial advisors and firms are absolutely immune from civil, criminal, administrative, and other liability for refusing to execute a transaction in good faith and when exercising reasonable care.

L.B. 956  
*Signed by governor 3/30/16*

Appropriates for FY2016-17 $175,000 Cash Funds for forensic accountants, which shall only be used for such purpose.

L.B. 1006  
*Amended into L.B. 956 3/15/16*

Appropriates $250,000 for each of fiscal years 2016-17 and 2017-18 to the Office of the Attorney General, for the purpose of hiring one or more forensic accountants or other staff or resources needed to investigate cases of financial exploitation of vulnerable adults. It is the intent of the Legislature to appropriate such amount in each ensuing fiscal year for the same purpose.

L.B. 1007  
*Amended into L.B. 934 3/7/16*

The bill makes three definition changes to the Adult Protective Services Act. The first definition enhances the definition of exploitation to include the wrongful or unauthorized taking, withholding, appropriation, conversion, control or use of money, funds, securities, assets, or any other property of a vulnerable adult or senior adult by any person by means of undue influence, breach of a fiduciary relationship, deception, extortion, intimidation, force or threat of force, isolation, or any unlawful means or by the breach of a fiduciary duty by the guardian, conservator, agent under a power of attorney, trustee, or any other fiduciary of a vulnerable adult or senior adult. The second definition that is added is the term isolation. Isolation needs to be added to APS statutes for reasons to investigate cases of exploitation of vulnerable adults and senior adults. The third definition that is added is the term senior adult which is defined as any person 65 years of age or older. The final piece of LB1007 removes the three year statute of limitations on prosecution of punishment for knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult.

**New Hampshire**

H.B. 1165  
*Signed by governor 5/5/16, Chapter 59*

This bill changes the term 'incapacitated' adult to 'vulnerable' adult in the laws governing protective services to such adults.

**New Jersey**

A.B. 309  
Creates offense of financial exploitation of the elderly.
A.B. 590
Requires the Department of Human Services to ensure distribution to senior citizens of notice from Division of Consumer Affairs concerning risks and prevention of fraud.

A.B. 988
S.B. 268
Increases penalties for identity theft when victim is a senior citizen or veteran.

A.B. 990
S.B. 906
Creates new offense of theft by financial exploitation of a vulnerable person.

A.B. 1120
Substituted 4/7/16
S.B. 157
Signed by governor 5/23/16, Chapter 3
Establishes “New Jersey Task Force on Abuse of Persons who are Elderly or Disabled.”

S.B. 266
Creates offense of financial exploitation of the elderly.

S.B. 1725
Requires money transmitters to provide training materials to delegates concerning financial abuse and exploitation of elder adults.

S.B. 1823
Creates crime of fiscal victimization against senior citizens or disabled persons.

New York
A.B. 83
S.B. 852
Passed Senate 5/10/16
Requires the office of children and family services to track and report elder abuse and to issue a biennial report to the governor and legislature regarding the incidence of elder abuse in the state.

A.B. 2176
Enacts the ‘elderly abuse protective act’ relating to elderly abuse protective services; appropriates $600,000 therefor.

A.B. 2325
S.B. 262
Passed Senate 6/14/16
Provides for a financial exploitation prevention outreach, education and training program and fund; authorizes the director of the office of the aging to award grants to qualified agencies to establish local elderly exploitation, outreach, education and training programs; outlines elements of such program.

A.B. 2481
Relates to reporting of financial exploitation; establishes a financial exploitation, outreach, education and training program and fund.

A.B. 3305
Requires financial planners working with the elderly to be certified financial planners.
A.B. 3743
Enacts the 'Elderly Abuse Protective Act' to protect residents 62 years of age or older who suffer abuse or deprivation; requires reports to the commissioner of the office of children and family services of the possible necessity for protective services; specifies action by such commissioner upon receiving such report including evaluation, right of entry, and furnishing of protective services; specifies the authority of the office of children and family services with respect thereto and requires assistance of other agencies in the implementation thereof; provides for judicial and review action against caretakers who abuse elderly; creates statewide central register of elderly abuse; appropriates $600,000 to the office of children and family services.

A.B. 4037
Passed Assembly 6/14/16
Establishes the opt in program for reporting of suspected financial exploitation.

A.B. 4467
S.B. 1417
Passed Senate 5/10/16
Includes the financial exploitation of the elderly or disabled within the definition of the crime of larceny; defines terms.

A.B. 5336
S.B. 639
Passed Senate 3/22/16
Authorizes banks to refuse payment of moneys when there is reason to believe that a vulnerable adult is being financially exploited.

A.B. 5349
Relates to the report of suspected financial exploitation; requires the superintendent of the department of financial services to develop guidelines relating to reporting suspected financial exploitation; provides that a third party who reports suspected financial abuse shall have immunity from any civil or criminal liability as a result.

A.B. 5969
S.B. 148
Passed Senate 5/25/16
Relates to offenses involving thefts of identity.

A.B. 6555
S.B. 239
Enacts the Senior Anti-Violence and Enforcement Act (SAVE); establishes a central registry for access to reports of maltreatment of seniors; creates a council on elder abuse; establishes penal provisions regarding offenses against the elderly and disabled.

A.B. 6665
Relates to establishing the crime of financial exploitation of a vulnerable elderly person and provides for civil liability for financial exploitation of a vulnerable elderly person.
A.B. 9143  
*Passed Senate 6/15/16*  
S.B. 6923  
*Substituted 6/15/16*  
Authorizes the office for the aging to conduct a public education campaign relating to elder abuse.

A.B. 9275  
Enacts the 'protect vulnerable adults from financial exploitation act'; mandates reporting when a qualified employee has a reasonable belief financial exploitation has been attempted or has occurred; authorizes disclosure to third parties when an eligible adult has previously designated the third party.

A.B. 9974  
S.B. 1417  
Includes the financial exploitation of the elderly or disabled within the definition of the crime of larceny; defines terms.

S.B. 530  
Establishes the crimes of exploitation of an elderly person, vulnerable elderly person or incompetent or physically disabled person in the first, second, and third degree.

S.B. 2289  
Establishes a statewide toll-freeelderly abuse hotline.

S.B. 2564  
Relates to the report of suspected financial exploitation; requires the superintendent of the department of financial services to develop guidelines relating to reporting suspected financial exploitation; provides that a third party who reports suspected financial abuse shall have immunity from any civil or criminal liability as a result.

S.B. 2806  
Establishes the opt in program for reporting of suspected financial exploitation.

S.B. 6243  
Relates to reporting of financial exploitation; establishes a financial exploitation, outreach, education and training program and fund.

S.B. 6922  
*Passed Senate 6/9/16*  
Relates to investigating reports of suspected elder abuse or maltreatment.

S.B. 8033  
*Passed Senate 6/15/16*  
Creates a statewide central register of elder abuse and maltreatment reports and the elder justice coordinating council; mandates reporting by certain persons; facilitates interagency planning and reviews specific agency initiatives for their impact on the reporting and investigation of elder abuse and maltreatment in the state.

**Pennsylvania**  
H.B. 299  
*Passed House 4/21/15*  
Amends Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in powers of attorney, further providing for general provisions and for durable powers of attorney.
H.B. 786
Amends the Older Adults Protective Services Act, making extensive amendments and adding provisions relating to preliminary provisions, administration, criminal history for employees, reporting suspected abuse by employees and miscellaneous provisions.

Puerto Rico
S.B. 101
Amends Law 121 of 1986 known as the Law of the Bill of Rights of the Elderly Person relative to financial exploitation and including an element of abuse; empowers the Office the Advocate for Persons Pensioners and Senior Citizens to develop a program or protocol to alert financial exploitation of the elderly; tempers the Act to Recent amendments of Reorganization Plan 1 of 2011.

S.B. 1237
Amends Law 121 of July 12, 1986 known as the Charter of Rights for Elderly Persons in order to increase the penalties to be subject to those who violate orders of protection under the law and set up a crime for emotional, physical or economic status of elderly abuse.

Rhode Island
H.B. 7361
This bill requires registration of those individuals who provide personal care assistant services to a consumer. This bill authorizes the department of health to supervise and investigate compliance with such issues as, consumer rights, the registration process, national criminal records checks and training for applicants.

S.B. 2643
This bill requires registration of those individuals who provide personal care assistant services to a consumer. This bill authorizes the department of health to supervise and investigate compliance with such issues as, consumer rights, the registration process, national criminal records checks and training for applicants.

South Carolina
H.B. 4827
Adds article 8 to title 62 so as to enact the ‘South Carolina Uniform Power of Attorney Act’; defines applicable terms; outlines the article’s requirements and applicability, and provides exceptions; amends part 5, article 5, title 62, relating to powers of attorney, so as to enact the ‘South Carolina Statutory Health Care Power of Attorney Act’; defines applicable terms; outlines the part’s requirements and applicability; provides execution and witness requirements; and specifies the proper form of a health care power of attorney.

S.B. 778
Signed by governor 6/9/16, Act 279
Adds article 8 to title 62 so as to enact the ‘South Carolina Uniform Power of Attorney Act’; defines applicable terms; outlines the article’s requirements and applicability, and provides exceptions; amends part 5, article 5, title 62, relating to powers of attorney, so as to enact the ‘South Carolina Statutory Health Care Power of Attorney Act’; defines applicable terms; outlines the part’s requirements and applicability; provides execution and witness requirements; and specifies the proper form of a health care power of attorney.
South Dakota
S.B. 54
Signed by governor 3/11/16, Chapter 120
Adopts the Elder Abuse Task Force’s statutory recommendations in order to protect South Dakota seniors and adults with disabilities from abuse, neglect, and exploitation.

Tennessee
H.B. 1824
S.B. 1848
Signed by governor 4/28/16, Public Chapter 1044
Revises requirements for criminal background checks in certain health care facilities; convenes working groups on elder abuse; revises other provisions relative to abuse of certain vulnerable persons.

S.J.R. 678
Signed by governor 5/12/16
Directs the Tennessee Commission on Aging and Disability to conduct a study on the financial exploitation of vulnerable adults.

Vermont
H.B. 112
Signed by governor 5/10/16, Act 91
This act directs financial institutions in Vermont to make a vulnerable adult’s financial information available to an adult protective services investigator upon receipt of a court order or the investigator’s written request. It allows the investigative report of an investigation into allegations of financial exploitation to be disclosed to the commissioner of Financial Regulation when the commissioner of Disabilities, Aging, and Independent Living deems it appropriate to do so. It specifies that financial information made available to an adult protective services investigator can be used only in a judicial or administrative proceeding or investigation directly related to a report of suspected abuse, neglect, or exploitation of a vulnerable adult and allows relevant information to be disclosed to the secretary of Human Services and to the commissioner of Financial Regulation when the investigation is about the financial exploitation of a vulnerable adult.

Virginia
H.B. 620
Authorizes a financial institution and its staff to refuse to execute a transaction or disburse funds if the financial institution or its staff (i) in good faith believes the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult or (ii) makes, or has actual knowledge that another person has made, a report to the local adult protective services department or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult.

H.B. 676
Signed by governor 3/11/16, Chapter 355
Directs the commissioner of the Department for Aging and Rehabilitative Services (DARS), together with the Director of the Department for Planning and Budget or his designee, representatives of DARS’ Adult Protective Services Unit and local department of social services’ adult protective services units, law-enforcement agencies, financial institutions in the commonwealth, and organizations representing elderly individuals and adults with disabilities, to determine the cost of financial exploitation of adults in the commonwealth and develop recommendations for improving the ability of financial institutions to identify financial exploitation of adults, the process by which financial institutions report suspected financial exploitation of adults, and interactions between financial institutions and local adult protective services units investigating reports of suspected financial exploitation of adults and to report on his activities and recommendations to the governor and the General Assembly by Jan. 1, 2017.
Washington

H.B. 1499
Addresses vulnerable adults. Revises the definition for first, second, and third degree criminal mistreatment. Creates the crime of theft from a vulnerable adult. Authorizes persons who are trained and qualified to serve on multidisciplinary personnel teams to disclose information and records to each other that are relevant to the prevention, identification, or treatment of abuse, neglect, or exploitation of vulnerable adults.

H.B. 1726
S.B. 5600
Signed by governor 5/14/15, Chapter 268
Modifies definitions concerning vulnerable adults, including the definitions of abuse and sexual abuse; includes improper use of a restraint, personal exploitation, mental abuse, chemical restraints, hospitals and mechanical restraints.

H.B. 2379
Addresses the prevention, investigation, prosecution, and treatment of abandonment, abuse, neglect, and financial exploitation of vulnerable adults. Requires the department of social and health services to establish two elder justice center demonstration programs, one in Clark county and the other in Spokane county.

S.B. 6091
Signed by governor 4/1/16, Chapter 211
Revises the definition of 'slayer,' for purposes of chapter 11.84 RCW (inheritance rights of slayers or abusers). For the purposes of determining whether a person is a 'slayer,' a finding of not guilty by reason of insanity for the willful and unlawful killing of a decedent carries the same meaning as a conviction for the offense. A slayer is not entitled to inherit property or receive any benefit from the person that the individual killed.

S.B. 6585
Requires the department of social and health services to coordinate the implementation of an elder justice demonstration program which must include establishing an elder justice center in Spokane county and expanding the elder justice center located in Clark county.

West Virginia

H.B. 4308
Passed House 3/2/16
Amends and reenacts §36-1-20, as amended; and amends and reenacts §42-4-2 of said code, all relating generally to barring persons who are convicted of certain criminal offenses from acquiring property from their victims through joint tenancy or inheritance; and creates exceptions.

H.B. 4309
Signed by governor 3/25/16, Act 64
Adds a new article, designated §55-7I-1, §55-7I-2, §55-7I-3, §55-7I-4, §55-7I-5 and §55-7I-6; and to amend and reenact §61-2-29b of said code, all relating generally to protections against financial exploitation of elderly persons, protected persons and incapacitated adults; establishing a cause of action against a person who commits an act of financial exploitation against an elderly person, protected person or incapacitated adult; defining terms; restricting certain defenses which, standing alone, are based on legal relationship to an elderly person, protected person or incapacitated adult; providing for court-authorized remedies; authorizing the award of increased damages in certain circumstances; providing for award of costs and attorneys’ fees; establishing the standard of proof; establishing the statute of limitations for actions brought under the article; authorizing the court to freeze assets and order injunctive relief; providing options the court may exercise upon a formal finding of exploitation; authorizing the court to require posting security,
or additional security, under certain circumstances; clarifying criminal penalties for conviction of certain offenses of financial exploitation of an elderly person, protected person or incapacitated adult; and increasing the criminal penalty for the offense of financial exploitation of $1,000 or more.

H.B. 4555
Adds a new article, designated §55-7I-1, §55-7I-2, §55-7I-3, §55-7I-4, §55-7I-5 and §55-7I-6, all relating to establishing a cause of action against a person who commits an act of financial exploitation against an elderly person, protected person or incapacitated adult; defines certain terms; restricts certain defenses which, standing alone, are based on legal relationship to and elderly person, protected person or incapacitated adult; provides for court authorized remedies; provides for attorneys’ fees; provides that damage awards have priority; prescribes the burden of proof; authorizes the court to freeze assets while also providing options the court may exercise if a person violates an injunction; and, provides a penalty for violating an injunction.

H.C.R. 99
Passed House 3/12/16
Requests the Joint Committee on Government and Finance to study and review current law, procedure and public services intended to protect against senior citizen financial abuse and exploitation and to study the feasibility of developing and providing additional effective tools, resources and best practices to help protect senior citizens from financial abuse and exploitation.

S.B. 362
Amends and reenacts §61-2-29b, as amended, relating to increasing criminal penalties for conviction of certain offenses of financial exploitation of an elderly person, protected person or incapacitated adult; and increases the criminal penalty for the offense of financial exploitation of $1,000 or more.

Wisconsin
A.B. 789
Passed Assembly 2/18/16
The bill requests the Wisconsin Supreme Court to promulgate rules requiring an attorney whose practice involves elder law or trusts and estates law to complete certain continuing legal education requirements each reporting period. The bill also requests the court to promulgate rules requiring justices and judges to complete, during each reporting period, certain judicial education requirements relating to elder law and trusts and estates law.

A.B. 917
Failed to pass pursuant to Senate Joint Resolution 1 4/13/16
This bill creates a civil cause of action for financial exploitation of a vulnerable person. The bill defines the term “vulnerable person” to include persons who are elderly, financially incapable, incapacitated, or those with a disability who are susceptible to force, threat, duress, coercion, persuasion, or physical or emotional injury because of a physical or mental impairment. Under the bill, a court must award a person who brings a successful action enhanced damages, attorney fees, and reasonable fees for any necessary services of a conservator or guardian ad litem.

S.B. 671
Failed to pass pursuant to Senate Joint Resolution 1 4/13/16
The bill requests the Wisconsin Supreme Court to promulgate rules requiring an attorney whose practice involves elder law or trusts and estates law to complete certain continuing legal education requirements each reporting period. The bill also requests the court to promulgate rules requiring justices and judges to complete, during each reporting period, certain judicial education requirements relating to elder law and trusts and estates law.
This bill creates a civil cause of action for financial exploitation of a vulnerable person. The bill defines the term “vulnerable person” to include persons who are elderly, financially incapable, incapacitated, or those with a disability who are susceptible to force, threat, duress, coercion, persuasion, or physical or emotional injury because of a physical or mental impairment. Under the bill, a court must award a person who brings a successful action enhanced damages, attorney fees, and reasonable fees for any necessary services of a conservator or guardian ad litem.