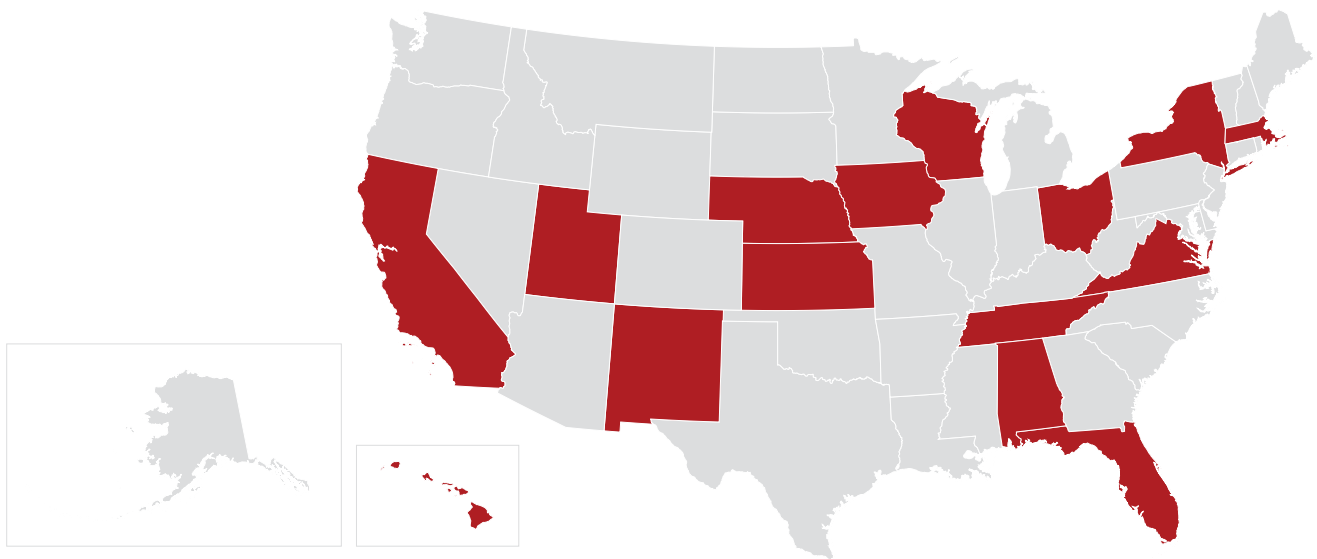


# Elder Justice Policy Highlights

SEPTEMBER 2020 – FEBRUARY 2021

The elder justice legislation found in this document was elicited and finalized from the National Center on Elder Abuse (NCEA) Listserv and independent websites in February 2021. The compilation is intended to reflect highlights across the nation and does not include all legislation related to elder justice. However, updates will be sent biannually and states are encouraged to send updates on significant legislative action to [Ageless Alliance](#). This document reflects activity in 15 states and highlights at the federal level.



## NATIONAL

S.3703

[▶ VIEW ONLINE](#)

Signed by the President on December 22, 2020, the Promoting Alzheimer’s Awareness to Prevent Elder Abuse Act amends the Elder Abuse Prevention and Prosecution Act to improve the prevention of elder abuse and exploitation of individuals with Alzheimer’s disease and related dementias. This legislation requires the Department of Justice (DOJ) to review and update, if necessary, certain best practices, replication guides, and other training materials for law enforcement, judicial officials, and others whose work may bring them in contact with elder abuse. Specifically, the DOJ must address victims and witnesses who have Alzheimer’s disease and related dementias in these materials. Additionally, in creating or compiling these materials, the DOJ must consult with the Department of Health and Human Services and, as appropriate, other entities with relevant expertise in elder abuse.

## STATES

### Alabama

ALABAMA SB 85

[▶ VIEW ONLINE](#)

Enacted on March 2, 2021, this law requires the redaction of sensitive information including addresses and phone numbers for an elder abuse plaintiff from court documents made available to the public. The legislation also clarifies that an elderly person who is of sound mind or body may hire legal representation to pursue a petition for relief in an elder abuse matter.

*Have questions or want to share some news or legislation with us?*



EMAIL: [info@agelessalliance.org](mailto:info@agelessalliance.org)



ONLINE: [agelessalliance.org](http://agelessalliance.org)

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**ALABAMA SB 181**[▶ VIEW ONLINE](#)

Enacted on March 2, 2021, the Elderly and Vulnerable Adult Financial Protection Act of 2021 authorizes financial institutions to refuse to execute or delay execution of certain financial transactions involving an account of an elderly or vulnerable adult when financial exploitation may have occurred, may have been attempted, or is being attempted.

**California**

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**CALIFORNIA AB 2471**[▶ VIEW ONLINE](#)

Approved by the Governor on September 25, 2020, this legislation extends the period of time to cancel home solicitation and home improvement contracts or offers from three to five business days if the buyer or property owner is a senior citizen (65 years or older) for contracts entered into, or offers to purchase conveyed, on or after January 1, 2021.

# Keep on the Watch

**NATIONAL**

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**H.R.446**[▶ VIEW ONLINE](#)

Introduced on January 25, 2021, this bill would require the Federal Trade Commission to report on, and increase awareness regarding, scams targeting older adults. Specifically, the commission would: report on the number and type of scams that target older adults and provide policy recommendations to prevent such scams; revise the commission's web portal with current information about such scams, including contact information for law enforcement and adult protective services agencies; and coordinate with media outlets and law enforcement to disseminate such information.

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**H.R.650**[▶ VIEW ONLINE](#)

Introduced on February 1, 2021, this measure would direct the Attorney General to award grants to eligible entities, on a competitive basis, to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to police, sheriffs, detectives, public safety officers, corrections personnel, and other first responders who handle elder justice-related matters, to fund specially designated elder justice positions or units designed to support first responders in elder justice matters.

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**CALIFORNIA SB 1123**[▶ VIEW ONLINE](#)

Approved by the Governor on September 29, 2020, this law clarifies the definition of "elder and dependent adult abuse" in Penal Code Section 368.5 by using cross-references to Welfare and Institutions Code definitions and requires law enforcement agencies to update their policy manuals to reflect this definition.

**Utah**

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**UTAH SB 85**[▶ VIEW ONLINE](#)

Enacted on March 16, 2021, this legislation statutorily disinherits an individual who commits certain felony offenses against a vulnerable adult, including any: (i) shares in an estate or intestate shares; (ii) revocation of revocable dispositions, appointments, nominations, or conferrals; and (iii) property owned jointly.

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**S.337**[▶ VIEW ONLINE](#)

Introduced on February 22, 2021, this measure would establish a Senior Scams Prevention Advisory Group, which would create model educational materials to educate employees of retailers, financial-services companies, and wire-transfer companies about how to identify and prevent scams that affect seniors.

**STATES****California**

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**CALIFORNIA AB 499**[▶ VIEW ONLINE](#)

Introduced on February 9, 2021, this bill would recast the requirements noted in the California Residential Care Facilities for the Elderly Act on a placement agency and its employees to instead be requirements on a referral source, defined as a person or entity that provides a referral to a residential care facility for the elderly. A referral source would be required to notify the appropriate licensing agency of any known or suspected incidents that would jeopardize the health or safety of residents in a residential care facility. Violation of this requirement would be considered a misdemeanor. The bill would also prohibit a referral source from, among other things, referring a person to a residential care facility for the elderly in which the referral source has an ownership

or management interest without a waiver. The referral source would also be required to provide a senior or their representative with specific written, electronic, or verbal disclosures as detailed in the legislation, before sending a compensated referral to a residential care facility. The measure was referred to the Committee on Human Services and Committee on Aging and Long Term Care on February 18, 2021.

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**CALIFORNIA AB 636**  [VIEW ONLINE](#)

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Introduced on February 12, 2021, this bill would make changes regarding the sharing of information relevant to incidents of elder or dependent adult abuse. While existing law authorizes this type of information to be given to specified investigators, including investigators from an adult protective services agency, a local law enforcement agency, and the probate court, this measure would authorize it to also be given to a federal law enforcement agency charged with the investigation of elder or dependent adult abuse or to a local code enforcement agency for the sole purpose of investigating a property where the health and safety of an elder or dependent adult resident is at risk. The measure was referred to the Committee on Aging and Long-Term Care on February 25, 2021.

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**CALIFORNIA AB 695**  [VIEW ONLINE](#)

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Introduced on February 16, 2021, this measure would change the age criteria for the definitions of “elder” and “dependent adult” in the Elder Abuse and Dependent Adult Civil Protection Act from 65 to 60 (elder) and from 18-64 to 18-59 (dependent adult). The bill would establish that a person in that age range with traumatic brain injuries or cognitive impairments is a dependent adult. The bill would also expand the list of housing-related supports and services included in the Home Safe Program to include services to support housing transitions. It would provide that grantees of the Home Safe Program would no longer be required to match any funding provided that is above the base level of funding provided in the Budget Act of 2020. The bill would also require the policies and procedures of the adult protective services program to include provisions for homeless prevention and longer term housing assistance and support through the Home Safe Program. The bill would also require the adult protective services department to convene a workgroup to develop recommendations to establish a statewide adult protective services case management or data warehouse system. It would also establish the Adult Protective Services FAST (Financial Abuse Specialist Team)/Forensic Center Grant

Program, to be administered by the department, for the purpose of awarding grants to counties to create, enhance, and maintain a FAST or forensic center. The measure was referred to the Committee on Aging and Long-Term Care on February 25, 2021.

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**CALIFORNIA AB 1243**  [VIEW ONLINE](#)

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Introduced on February 19, 2021, this bill would require an action seeking a protective order for an elder or dependent adult who has suffered abuse, to be heard in the probate or family division of the superior court. The bill would include within the definition of protective order an order enjoining a party from isolating an elder or dependent adult. The bill would require certain requirements to be met for that order to be issued, including a showing by a preponderance of the evidence that the respondent’s past act or acts of isolation of the elder or dependent adult prevented contact with the interested party and that the elder or dependent adult desires contact with the interested party. The bill would authorize the order to specify the actions to be enjoined, including enjoining the respondent from preventing an interested party from in-person or remote online visits with the elder or dependent adult. The bill would also include within the definition of protective order an order that specific debts were incurred as the result of financial abuse of the elder or dependent adult. The measure was referred to the Judiciary Committee on March 4, 2021.

## Florida

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**FLORIDA HB 441**  [VIEW ONLINE](#)

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Filed on January 26, 2021, this measure would establish an elder-focused dispute resolution process as an alternative to proceedings in court to resolve disputes relating to an elder. The process focuses on the elder’s wants, needs, and best interests to protect and preserve the elder’s exercisable rights by recognizing that every elder, including those whose capacity is being questioned, has unique needs, interests, and differing abilities. The bill would also provide an option for the court to appoint a qualified eldercaring coordinator who would assist in resolving disputes. The bill was read for the first time in the House on March 2, 2021.

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**FLORIDA HB 1041**  [VIEW ONLINE](#)

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Filed on February 16, 2021, this bill would add offenses concerning elderly persons and disabled adults to the authority of the Office of Statewide Prosecution. It would provide that a person convicted

of abuse, neglect, or exploitation of elderly person or disabled adult is not qualified to act as personal representative. The bill provides for forfeiture of specified benefits of persons who have engaged in conduct concerning elderly persons or disabled adults and provides that persons who have engaged in abuse or neglect may still retain inheritance or survivorship interest if the victim executes the specified instrument. It also would provide that a beneficiary of a trust may not benefit under the trust if the person was convicted of certain offenses involving elderly persons or disabled adults. It would provide a defense to certain violations and provide criminal penalties. It would specify additional conduct that constitutes abuse or exploitation of an elderly person or disabled adult. It would also revise provisions concerning injunctions for protection and provide for the extension of ex parte temporary injunctions. The measure was referred to the Judiciary Committee on March 10, 2021.

## Hawaii

**HAWAII HB 490 HD2**  [VIEW ONLINE](#)

Introduced on January 25, 2021, this bill would lower the age at which enhanced penalties apply for crimes against seniors from 62 to 60. It would also 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. The measure passed the House on March 9, 2021 and was referred to the Senate Judiciary Committee on March 11, 2021.

**HAWAII HB 940 HD2**  [VIEW ONLINE](#)

Introduced on January 27, 2021, this measure would require any agent, broker-dealer, investment adviser representative, investment adviser, or person who serves in a supervisory or compliance capacity for a broker dealer or an investment adviser to report suspected financial exploitation of elders and vulnerable adults. It would provide immunity for good faith reporting and authorize the delay of disbursements and transactions in situations of suspected financial exploitation. The measure passed the House on March 9, 2021 and was referred to the Senate Commerce and Consumer Protection and Judiciary Committees on March 11, 2021.

**HAWAII HB 980 HD 1**  [VIEW ONLINE](#)

Introduced on January 27, 2021, this measure broadens the Department of Human Services' right

of entry into a vulnerable adult's premises to cover situations in which there is probable cause to believe a vulnerable adult is subject to any type of abuse, regardless of whether there is physical injury. The measure was passed by the House on March 4, 2021 and was referred to the Senate Human Services and Judiciary committees on March 9, 2021.

## Iowa

**IOWA SF 202**  [VIEW ONLINE](#)

Introduced on February 2, 2021, this measure would raise the penalties for crimes against individuals age 60 and older. It would make assaults against individuals age 60 and older a new crime and would enhance penalties for repeat offenses. The bill would also enhance penalties for thefts if the theft is from an older individual. It would make civil penalties for frauds committed against elders consistent with other penalties for crimes against elders. The bill would also add duties to the Attorney General and others in relation to crimes against elders.

**IOWA SF 450**  [VIEW ONLINE](#)

Introduced on February 24, 2021, this bill would provide that a caretaker who intentionally or recklessly commits dependent adult abuse which resulted in the death of a dependent adult is guilty of murder in the second degree. The bill passed the Senate on March 17, 2021.

**IOWA HF 474**  [VIEW ONLINE](#)

Introduced on February 10, 2021, this bill would appropriate funds from the general fund to the office of long-term care ombudsman (LTCO) for fiscal year 2021-2022 to increase the number of local LTCO. The funding would be used to support local LTCO in fulfilling their required duties including to provide the resources necessary to complete site visits and to carry out other duties utilizing the most efficient means available considering any existing public health concerns to protect and improve the health, safety, welfare, and rights of residents and tenants.

## Kansas

**KANSAS HB 2114**  [VIEW ONLINE](#)

Introduced on January 22, 2021, this measure would establish the Kansas Senior Care Task Force. The task force would study a range of topics including the provision of care for seniors in the state of Kansas

who suffer from Alzheimer's disease, dementia or other age-related mental health conditions, the administration of antipsychotic medications to adult care home residents, the safeguards to prevent abuse, neglect and exploitation of seniors in the state of Kansas, adult care home surveys and fines, the funding and implementation of the Kansas senior care act, and senior daycare resources. This measure passed the House on February 18, 2021 and was referred to the Senate Committee on Public Health and Welfare on February 22, 2021.

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#### **KANSAS HB 2151**

 [VIEW ONLINE](#)

Introduced on January 27, 2021, this bill would create a Kansas elder and dependent adult abuse multidisciplinary team coordinator and elder and dependent adult abuse multidisciplinary teams. The coordinator would facilitate the convening of an elder and dependent adult abuse multidisciplinary team in each judicial district. This measure passed the House on February 18, 2021 and was referred to the Senate Committee on Public Health and Welfare on February 19, 2021.

### **Massachusetts**

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#### **MASSACHUSETTS HD 971**

 [VIEW ONLINE](#)

Filed on January 29, 2021, this bill would establish that a mandated reporter who, in his professional capacity, has reasonable cause to believe that an elder is suffering physical or emotional injury resulting from: (i) abuse inflicted upon him which causes harm or substantial risk of harm to the elder's health or welfare, including sexual abuse; or (ii) neglect, including malnutrition, shall immediately communicate with the Executive Office of Elder Affairs orally and, within 48 hours, file a written report detailing the suspected abuse or neglect; or (iv) being a sexually exploited elder; or (v) being a human trafficking victim. Additionally, the measure would require the Executive Office of Elder Affairs to establish a training program for identifying elder abuse and neglect.

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#### **MASSACHUSETTS SD 1028**

 [VIEW ONLINE](#)

Filed on February 10, 2021, this measure would establish that the attorney general may file a civil action against a person who commits abuse, mistreatment or neglect of a nursing home resident or other patient or who mis-appropriates patient or resident property, or against a person who wantonly or recklessly permits or causes another to

commit abuse, mistreatment or neglect of a patient or resident or who mis-appropriates patient or resident property. Civil penalties for such actions are detailed in the bill. The bill would also provide that the attorney general may file a civil action only within four years next after an offense is committed.

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#### **MASSACHUSETTS HD 1206**

 [VIEW ONLINE](#)

Filed on February 2, 2021, this bill would establish a commission to study the financial abuse of elders. The commission would be made up of select members of the House and Senate, select attorneys, representatives from select advocacy groups, and representatives from Councils on Aging or any organization responsible for administering protective services to elders. The commission would study: (1) the economic impact and mechanisms of financial abuse on those over age 60; (2) the lending and refinancing practices of companies who target customers above the age of 60; (3) exploitative transfers of real estate or other valuable property from dependent elders to fiduciaries for significantly less than market value; (4) fraudulent or deceptive schemes that target elderly persons through telemarketing, the internet, or other means; and (5) any other form of elder financial abuse. The commission would be required to file a report that includes policy recommendations to better protect elders from financial abuse.

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#### **MASSACHUSETTS SD 2117**

 [VIEW ONLINE](#)

Filed on February 19, 2021, this bill would establish that if a family caregiver unreasonably prevents a family member from visiting the frail elderly individual, the court, upon a verified petition by the family member, may order the family caregiver to permit such visitation as the court deems reasonable and appropriate under the circumstances. The court would not allow visitation if the court finds that: (i) the frail elderly individual has capacity to evaluate and communicate decisions regarding visitation and expresses a desire to not have visitation with the petitioner; or (ii) visitation between the petitioner and the frail elderly individual is not in the best interests of the frail elderly individual.

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#### **MASSACHUSETTS HD 2545**

 [VIEW ONLINE](#)

Filed on February 17, 2021, this measure would establish that if any agent, investment adviser representative or person who serves in a supervisory, compliance or legal capacity for a broker-dealer or investment adviser reasonably believes that financial

exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, the qualified individual may promptly notify the secretary of the commonwealth and the disabled persons protection commission (if the eligible adult is under age 60) or the executive office of elder affairs (if the eligible adult is 60 or older). The qualified individual would also be authorized to notify any third party previously designated by the eligible adult. The measure provides immunity of liability.

## Nebraska

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### NEBRASKA LB 297 [VIEW ONLINE](#)

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Introduced on January 12, 2021, the Nebraska Protection of Vulnerable Adults from Financial Exploitation Act would establish that if a qualified person reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is occurring or being attempted, the qualified person may notify the designated agencies and may notify a third party previously designated by the eligible adult or any person allowed to receive notification. The measure would authorize a broker-dealer or investment adviser to delay a transaction or disbursement from an account of an eligible adult or an account on which an eligible adult is a beneficiary if the broker-dealer or investment adviser reasonably suspects financial exploitation. The broker-dealer or investment adviser would be required to immediately provide written notification of the delay and the reason for the delay to all parties authorized to transact business on the account unless any such party is reasonably believed to have engaged in suspected or attempted financial exploitation of the eligible adult. The bill provides immunity for qualified individuals that act in good faith. The measure advanced to enrollment and review for engrossment on March 10, 2021.

## New Mexico

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### NEW MEXICO SB 221 [VIEW ONLINE](#)

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Introduced on February 1, 2021, the Financial Crimes Against Elderly, Disabled or Vulnerable Adults Act would provide definitions for financial exploitation of an elderly, disabled, or vulnerable adult and the unlawful use of a power of attorney. A person who is convicted would also be sentenced to pay restitution to the victim for any loss sustained by the victim arising from that crime. The bill also provides that State law enforcement agencies shall have concurrent jurisdiction to investigate a report of

an allegation of financial exploitation of an elderly, disabled or vulnerable adult or of unlawful use of a power of attorney. On February 18, 2021, the Senate Health and Public Affairs Committee reported on the bill favorably.

## New York

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### NEW YORK A1505 [VIEW ONLINE](#)

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Introduced on January 11, 2021, this bill would enact the Elderly Abuse Protective Act to protect residents 62 years of age or older who suffer abuse or deprivation. It would require reports to the commissioner of the office of children and family services of the possible necessity for protective services and specify action by such commissioner upon receiving such report including evaluation, right of entry, and furnishing of protective services. It would also provide for judicial and review action against caretakers who abuse elderly and would create a statewide central register of elderly abuse.

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### NEW YORK A1872 [VIEW ONLINE](#)

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Introduced on January 11, 2021, this bill would establish the elder abuse shelter aftercare demonstration program to provide management services, financial counseling, and mental health services at the conclusion of the discharge process. Specifically, this would be a two year program to be implemented by an existing center for elder justice. The scope of services would at minimum include case management, financial counseling, and mental health services, which would commence and the conclusion of the discharge process from the facility.

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### NEW YORK A4508 [VIEW ONLINE](#)

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Introduced on February 4, 2021, this measure would create an elder court pilot program to study the effectiveness of senior-specific judicial programming especially involving elder abuse and domestic violence. The program would operate in up to six counties in the State to study the effectiveness of senior-specific judicial programming. It was referred to the Assembly Judiciary Committee on February 4, 2021.

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### NEW YORK A4619 [VIEW ONLINE](#)

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Introduced on February 4, 2021, this measure would make it a crime for a caregiver to post a picture or video of a vulnerable elderly person on social media without the person's consent.

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**NEW YORK S1560**[▶ VIEW ONLINE](#)

Introduced on January 13, 2021, this bill would add a definition of “elder abuse and exploitation” to subdivision 1 of section 209 of the elder law and incorporate identity theft in the list of eligible support services through the naturally occurring retirement communities (NORCS) programs. The bill would provide that identity theft shall be one of the many forms of elder abuse that the Office of the Aging and the state police address in their educational materials for police officers’ use when encountering such abuse. The bill would also add identity theft to the definition of elder abuse. The bill was passed by the Senate on March 4, 2021 and by the Assembly on March 8, 2021.

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**NEW YORK S175**[▶ VIEW ONLINE](#)

Introduced on January 6, 2021, this bill would provide enhanced penalties for crimes committed against the elderly or disabled that more accurately reflect the seriousness of those crimes and are sufficient to deter criminals from targeting those individuals as victims. Penal law would be amended to remove the definition of “caregiver” and to amend the definition of “vulnerable elderly person” to include persons seventy years of age or older. It would also remove the requirement that a person be a caregiver for a vulnerable elderly person in order to be guilty of endangering the welfare of a Vulnerable Elderly Person in the second degree. This change would make all people who assault an elderly person guilty of this crime. Similarly, it would classify the endangerment of the welfare of a vulnerable elderly person in the first and second degree, as a Class D violent felony offense and a Class E violent felony offense, respectively. The measure would create new crimes against the elderly or disabled, which would raise the level of offense by one level for specified crimes committed against a victim who the defendant selected based on a perceived disability or age related infirmity or illness.

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**NEW YORK S3853**[▶ VIEW ONLINE](#)

Introduced on January 31, 2021, this bill would create a statewide central register of elder abuse and maltreatment reports and the elder justice coordinating council. The bill would also establish mandated reporters responsible for reporting suspected incidents of elder abuse or maltreatment. The measure would amend the executive law to add a new article 29 establishing the Elder Justice Coordinating Council. The Council would be responsible for interagency planning and review

of elder abuse initiatives in the state. Among other things, the Council would be responsible for conducting community forums to gather information relating to a New York State plan for the identification, investigation, and intervention into cases of elder abuse and maltreatment.

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**NEW YORK S5196**[▶ VIEW ONLINE](#)

Introduced on February 26, 2021, this measure would provide that the New York State Police Superintendent develop a program to train senior service providers in the detection and reporting of elder abuse, including training on the counseling of elder abuse victims.

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**Ohio**

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**OHIO SB 54**[▶ VIEW ONLINE](#)

Introduced on February 9, 2021, this bill would amend sections 109.87, 109.88, and 2913.05 of the Revised Code to include within the offense of telecommunications fraud providing misleading or inaccurate caller identification information. It would also allow the Attorney General to prosecute offenses of unauthorized use of property and telecommunications fraud. The bill would prohibit any person, entity, or merchant from violating the federal Telemarketing and Consumer Fraud and Abuse Prevention Act. The measure was assigned to the Senate Judiciary Committee on February 10, 2021.

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**Tennessee**

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**TENNESSEE SB 0304**[▶ VIEW ONLINE](#)

Introduced on February 8, 2021, this measure would recreate the elder abuse task force, which was terminated and dissolved January 15, 2021. The task force would be made up of the executive director of the commission on aging and disability, select health and finance commissioners, a district attorney general, the director of the Tennessee bureau of investigation, and select representatives of the health and finance fields. This bill would require the task force to: assess the current status of elders and other vulnerable adults covered by the Tennessee Adult Protection Act related to financial exploitation; examine the existing barriers, services, and resources addressing the needs of these elder persons and vulnerable adults; and develop recommendations to address problems associated with the financial exploitation of these elder persons and vulnerable adults. The measure was passed by the Senate on March 15, 2021.

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**TENNESSEE HB 1148**[▶ VIEW ONLINE](#)

Introduced on February 10, 2021, this bill would require financial service providers to report reasonably suspected abuse, neglect, and exploitation of elderly or vulnerable persons to adult protective services in the same manner that all other persons are required to do so. A provider would not be in violation if the provider acts in compliance with the Elderly and Vulnerable Adult Financial Exploitation Prevention Act. The measure was assigned to the House Subcommittee on Criminal Justice on February 24, 2021.

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**TENNESSEE SB 1228**[▶ VIEW ONLINE](#)

Introduced on February 11, 2021, the Safe Seniors Act of 2021 would make changes to present law concerning criminal offenses against the elderly and vulnerable adults. Specifically, the bill would replace “fondling” with “sexual contact” as a type of action that constitutes sexual exploitation when committed upon or in the presence of an elderly or vulnerable adult, without that adult’s effective consent, for purposes of sexual gratification. The bill would also authorize a court to order that sentences run consecutively if the court finds by a preponderance of the evidence that the defendant is convicted of two or more offenses involving sexual exploitation of an elderly or vulnerable adult. The bill adds having knowledge that a victim is a vulnerable adult to the list of factors used to establish whether a person committed the offense of rape and aggravated rape. It would also require adult protective services to provide to the district attorney general, upon request, the names of individuals obtained in the course of an adult protective services investigation that have information relevant to a criminal investigation of alleged conduct involving an elderly or vulnerable adult victim. The measure would confer the circuit, general sessions, and chancery courts jurisdiction over proceedings arising relative to offenses against elderly and vulnerable adults. The bill was referred to the Senate Judiciary Committee on February 22, 2021.

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**TENNESSEE HB 1385**[▶ VIEW ONLINE](#)

Introduced on February 24, 2021, this bill would rewrite the definition of exploitation of an adult to include: (i) the use of deception, intimidation, undue influence, force, or threat of force to exert unauthorized control over an elderly or vulnerable adult’s property; (ii) breach of a fiduciary duty by the person’s guardian, conservator, or agent; and (iii) exercising control over

an elderly or vulnerable adult’s property without consent. The measure was assigned to the House Criminal Justice Subcommittee on March 1, 2021.

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**Utah**

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**UTAH HB 218**[▶ VIEW ONLINE](#)

Introduced on January 20, 2021, this measure would provide exceptions to the reporting requirement for suspected abuse, neglect, or exploitation of a vulnerable adult. It clarifies that the physician-patient privilege does not excuse a physician from reporting suspected abuse, neglect, or exploitation of a vulnerable adult or constitute grounds for excluding evidence regarding a vulnerable adult’s injuries, or the cause of the vulnerable adult’s injuries, in any judicial or administrative proceeding. It would also require Adult Protective Services to file a complaint in certain circumstances. The bill would also address civil and criminal liability for reporting, or failing to report, suspected abuse, neglect, or exploitation of a vulnerable adult. The bill passed the Senate and House and was sent to the Governor on March 15, 2021.

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**Virginia**

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**VIRGINIA HB 2018**[▶ VIEW ONLINE](#)

Prefiled on January 12, 2021, this measure would allow the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult’s family or household members as the court deems necessary for the health and safety of such persons; or (iii) such other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. It also provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the



notice required has been given, unless such notice has been waived by the court. The bill was passed by the House and Senate and is awaiting the governor's signature.

## Wisconsin

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### WISCONSIN SB 17

 [VIEW ONLINE](#)

Passed by the Senate on February 16, 2021, this measure would provide that any act of sexual misconduct that is currently a second degree sexual assault is a first degree sexual assault if the victim is 60 years of age or older and that he or she is guilty of a Class B felony. It would also create the crime of physical abuse of an elder person that is modeled after the current law prohibition of physical abuse of a child with penalties ranging from a Class C felony for intentionally causing great bodily harm to a Class I felony for recklessly causing bodily harm. The bill would also create a procedure for a court to freeze or seize assets from a defendant who has been charged with a financial exploitation crime when the victim is an elder person and creates a scheme that allows a term of imprisonment that is imposed for a criminal conviction to be increased in length if the crime victim was an elder person. The bill would also allow an elder person who is seeking a domestic violence, individual-at-risk, or harassment restraining order to appear in a court hearing by telephone or live audiovisual means. The measure passed the Senate on February 16, 2021 and is in the Assembly.

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### WISCONSIN SB 18

 [VIEW ONLINE](#)

Passed by the Senate on February 16, 2021, this bill would create a requirement that a court expedite proceedings in criminal and delinquency cases and juvenile dispositional hearings involving a victim or witness who is an elder person (60 years of age or older). Under the bill, the court must take appropriate action to ensure a speedy trial in order to minimize the length of time the elder person must endure the stress of involvement in the proceedings. This bill also creates a requirement that a court preserve certain testimony in criminal matters involving a victim or witness who is an elder person. Under the bill, in criminal and delinquency cases and juvenile dispositional hearings involving a victim or witness who is an elder person, the prosecuting attorney may file a motion to preserve the testimony of the elder person. If the prosecuting attorney files such a motion, the court must then hold a hearing to record the testimony of the elder person within 60 days. The bill is currently in the Assembly.

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### WISCONSIN AB 45

 [VIEW ONLINE](#)

Introduced on February 10, 2021, this measure would allow securities industry professionals to provide to the Department of Financial Institutions, adult protective service agencies, and other persons, notice of suspected financial exploitation of certain vulnerable adults and would allow broker-dealers and investment advisers to temporarily delay transactions or disbursements from the accounts of vulnerable adults when financial exploitation of a vulnerable adult is suspected. The bill also would increase penalties for securities violations committed against these vulnerable adults. It would allow a securities agent, investment adviser representative, or other individual serving in a supervisory, compliance, or legal capacity for a broker-dealer or investment adviser who reasonably suspects that financial exploitation of an adult at risk or an individual who is 60 years of age or older has occurred or is being attempted, to notify the appropriate agencies and specified persons. The bill provides for immunity from liability for a broker-dealer, investment adviser, or qualified individual that, in good faith and exercising reasonable care, acts in accordance with these provisions. Executive action was taken on this bill on March 10, 2021.

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### WISCONSIN AB 46

 [VIEW ONLINE](#)

Introduced on February 10, 2021, this bill would allow financial service providers to refuse or delay financial transactions when financial exploitation of a vulnerable adult is suspected. The bill would also provide a process for a financial service provider to create a list of persons that a vulnerable adult authorizes to be contacted if the financial service provider reasonably suspects that the vulnerable adult is a victim of financial exploitation and would authorize the financial service provider to convey its suspicions of financial exploitation to certain persons, including persons on this list. Under the bill, a financial service provider is immune from criminal, civil, and administrative liability for all of the following: 1) refusing or not refusing, or delaying or not delaying, a financial transaction; 2) refusing to accept or accepting a power of attorney; 3) contacting a person or not contacting a person to convey a suspicion of financial exploitation; and 4) any action based on a reasonable determination related to the preceding items 1 to 3. Executive action was taken on this bill on March 10, 2021.

# On the Horizon

**Protecting Vulnerable Population’s Data Act of 2020** (pending bill # assignment): Pending re-introduction, this bill would prohibit data brokers from selling, trading, licensing, or otherwise providing for consideration lists of vulnerable populations, including survivors of elder abuse, to any individual or commercial entity.

## Legislation Tracked in Specific Topic Areas

**Guardianship:** [American Bar Association, Commission on Law and Aging](#)

**Independent Financial Advisors and Firms:** [The Financial Services Institute \(FSI\)](#) tracks and supports legislation in each state that provides protection and mandated reporting for independent financial advisors and firms when they suspect financial exploitation, as well as the ability to temporarily hold account transactions and support investigation efforts.

**Financial Exploitation:** [National Conference of State Legislatures](#)



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