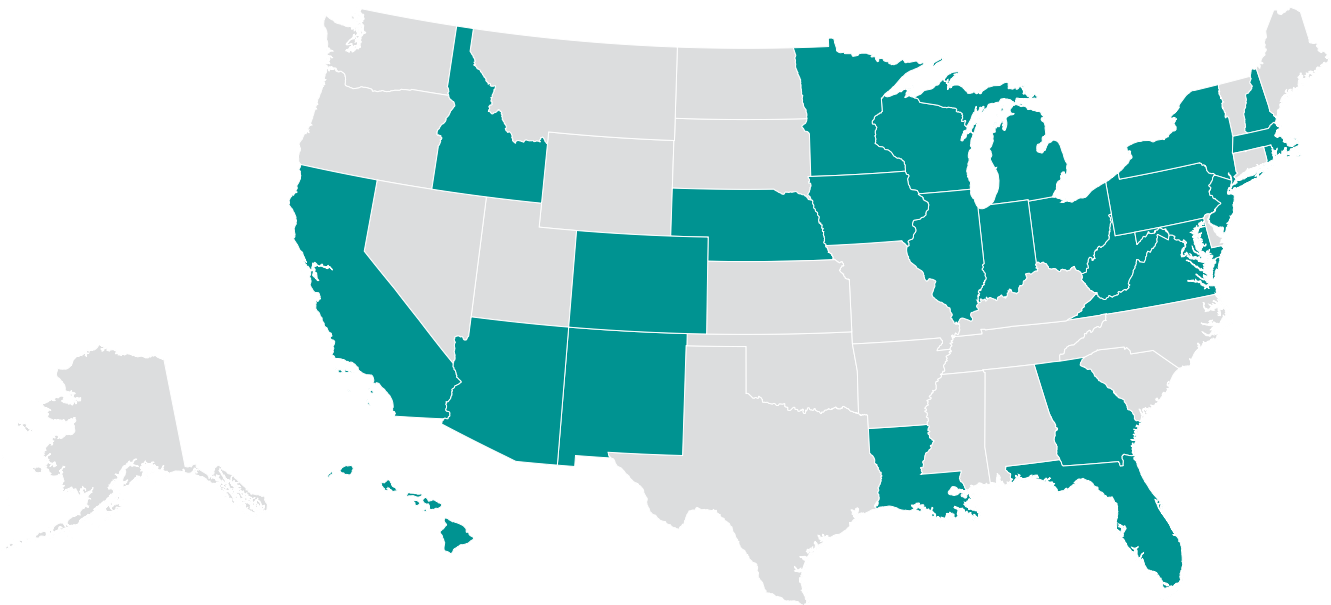


Elder Justice Policy Highlights

SEPTEMBER 2019 – FEBRUARY 2020

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 2020. 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 26 states and highlights at the federal level.



California

CALIFORNIA AB 1396

▶ VIEW ONLINE

Approved by the Governor on October 8, 2019, this law authorizes the court to order a restrained party, if appropriate, to participate in mandatory clinical counseling or anger management courses, as specified, when the court issues a protective order for abuse of an elder or dependent adult that involves acts of physical abuse or acts of deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

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



ONLINE: agelessalliance.org



EMAIL: info@agelessalliance.org

CALIFORNIA SB 338

▶ VIEW ONLINE

Approved by the Governor on October 8, 2019, this law eliminates the duty imposed on long-term care ombudsman programs to revise or include in their policy manuals specified information regarding elder and dependent adult abuse and authorizes local law enforcement agencies to adopt a policy regarding senior and disability victimization, as defined. It requires, if a local law enforcement agency adopts or revises a policy regarding elder or dependent adult abuse or senior and disability victimization on or after April 13, 2021, that the policy include specified provisions provided in the legislation, including provisions related to enforcement and training. It also makes clarifying changes to provisions related to the entities that have jurisdiction to investigate elder and dependent adult abuse.

New York

NEW YORK S5780

[▶ VIEW ONLINE](#)

Signed into law on November 25, 2019, this legislation extends the authorization of the Long-Term-Care Ombudsman Program (LTCOP) to advocate on behalf of managed long-term-care participants. Currently the LTCOP is authorized to oversee managed long term care plans, but these provisions were set to expire on December 31, 2019. This measure extends the authorization until December 2021.

Keep on the Watch

National

S. 2574 [▶ VIEW ONLINE](#)

Introduced on September 26, 2019, the “Promote Responsible Oversight and Targeted Employee background Check Transparency for Seniors Act” would amend title XIX of the Social Security Act to increase the ability of Medicare and Medicaid providers to access the National Practitioner Data Bank for the purpose of conducting employee background checks.

S. 2993 [▶ VIEW ONLINE](#)

Introduced on December 5, 2019, the “Ensuring Seniors’ Access to Quality Care Act” would provide nursing home operators with access to the National Practitioner Data Bank for the purpose of conducting employee background checks and would also amend restrictive regulations that bar certain senior living facilities from conducting training programs for in-house Certified Nurse Assistants (CNAs) for a two-year period after a care facility is found to have deficiencies. The legislation would allow senior living facilities to reinstate the CNA training program if the facility meets certain requirements as defined in the legislation.

H.R. 4334 [▶ VIEW ONLINE](#)

Introduced on September 16, 2019, the “Dignity in Aging Act of 2019” would establish, reauthorize, and revise several programs administered by the Department of Health and Human Services and the Department of Labor relating to care for the elderly. Among other things, the bill reauthorizes through FY2024 and revises programs that support caregivers of the elderly; informational services, such as pension counseling; nutritional

services, such as meal delivery; disease prevention and health promotion services; community and workforce training regarding elder care; and abuse and neglect prevention services. The bill also establishes several entities and programs to further support elder care, including initiatives that aim to promote independent living and reduce social isolation for the elderly. The measure passed the House on October 28, 2019.

H.R. 5216 [▶ VIEW ONLINE](#)

Introduced on November 21, 2019, the “Quality Care for Nursing Home Residents Act of 2019” would establish minimum staffing ratios, improve disclosure of nurse staffing levels, expand staff training and supervision requirements, create whistleblower and resident protections, prohibit pre-dispute arbitration agreements, and develop a protocol for obtaining written informed consent for psychotropic drugs.

Arizona

ARIZONA HB 2540 [▶ VIEW ONLINE](#)

Introduced on January 27, 2020, this bill would expand the definition of “abuse” to include “emotional abuse.” The bill defines emotional abuse as a pattern of ridiculing, demeaning, harassing, threatening, or making derogatory remarks to a vulnerable adult. The measure passed the House on February 24, 2020.

ARIZONA HB 2541 [▶ VIEW ONLINE](#)

This bill would require the Department of Health Services and the Department of Economic Security to jointly develop a curriculum to educate and train all persons who are employed in a capacity of

caring for vulnerable adults on the signs of neglect and abuse, including sexual abuse. Beginning January 1, 2021, each health care institution, group home and intermediate care facility for individuals with intellectual disabilities would be required to provide mandatory education and training using the curriculum to each person working in the health care institution, group home or intermediate care facility that provides care to vulnerable adults. The person would be required to complete the education and training before beginning employment and to update the education and training annually. The bill has an emergency clause attached.

ARIZONA HB 2542[▶ VIEW ONLINE](#)

The bill expands the list of persons with a duty to report a reasonable belief that a vulnerable adult has been the victim of abuse, neglect or exploitation to include any "health professional" (defined elsewhere in statute) who has responsibility for the care of the vulnerable adult. The bill adds that if a person fails to make a report that involves a sexual offense, the criminal classification would be a class 6 (lowest) felony, instead of a class 1 (highest) misdemeanor. The bill has an emergency clause attached.

ARIZONA HB 2549[▶ VIEW ONLINE](#)

Introduced on January 27, 2020, this bill would mandate the Auditor General to engage an independent consultant with expertise in adult protective services operations and investigations to examine the current adult protective services and consider best practices to improve the delivery of services in Arizona. The consultant would be required to submit a report of its findings and recommendations to the Governor and the Legislature by July 1, 2021. The bill appropriates \$300,000 from the general fund in FY 2020-21 to the Auditor General for this purpose. This measure passed the House on February 24, 2020.

ARIZONA HB 2769[▶ VIEW ONLINE](#)

Introduced on February 6, 2020, this bill would add a new article to Title 14 (Trusts, Estates and Protective Proceedings) regulating "supported decision-making agreements," defined as an agreement between an adult with a disability and a "supporter" (defined) to enable the adult with a disability to make life decisions. An adult with a disability would be authorized to voluntarily enter into a supported decision-making agreement to authorize the supporter to provide supported decision-making,

assist the adult with accessing relevant information and understanding that information, and assist the adult in communicating the adult's decisions. The bill establishes the duties of the supporter and provides for supporter access to personal information, establishes requirements for the terms of a supported decision-making agreement, and specifies a standard form for agreements. A person is not subject to criminal or civil liability and has not engaged in professional misconduct for an act or omission done in good faith and in reliance on a supported decision-making agreement. The bill passed the House on February 25, 2020.

ARIZONA SB 1310[▶ VIEW ONLINE](#)

Introduced on January 21, 2020, this bill would make a supplemental appropriation of \$3 million and 43 FTE positions from the general fund in FY 2020-21 to the Department of Economic Security for Adult Protective Services.

ARIZONA SB 1311[▶ VIEW ONLINE](#)

Introduced on January 16, 2020, this bill would add to the criminal definition of theft a list of acts that provide proof of depriving a vulnerable adult of property.

California

CALIFORNIA AB 2471[▶ VIEW ONLINE](#)

Introduced on February 19, 2020, this bill would extend the period of time to cancel contracts or offers, as specified in the legislation, from 3 to 5 business days if the buyer or property owner is a senior citizen, as defined, for contracts entered into, or offers to purchase conveyed, on or after January 1, 2021. The purpose of the measure is to prevent elder financial exploitation of elderly consumers who have entered into contracts which they did not fully understand, were the result of high-pressure sales tactics or where there are material differences between what was communicated during the verbal sales presentation and the terms of the written contract.

Colorado

COLORADO HB20-1302[▶ VIEW ONLINE](#)

Introduced on February 20, 2020, this bill states that if an employer receives a check of the system that contains substantiated claims of mistreatment

against an at-risk adult (CAPS check) on a person and does not hire the person at the time of receiving the check but wants to hire the person at a subsequent time, the employer shall request a new CAPS check prior to hiring the person. The bill requires that if the employer is also an employee, the employer and employer's parent or oversight agency would get the results if the employer was a substantiated perpetrator. The bill prohibits using a CAPS check request for a person who is not going to be an employee. The bill prohibits an employee or volunteers from knowingly providing inaccurate information for a CAPS check or an employer or other person or entity conducting an employee screening on behalf of the employer from knowingly providing inaccurate information in the request for a CAPS check. The bill requires entities that care for at-risk adults to cooperate with a county or district department of human or social services in investigations into allegations of mistreatment at the entities' facilities.

Florida

FLORIDA SB 400

 [VIEW ONLINE](#)

Filed on September 30, 2019, this bill would authorize the establishment of elder abuse fatality review teams in each judicial circuit, to be housed, for administrative purposes only, in the Department of Elderly Affairs. It would authorize elder abuse fatality review teams in existence on a certain date to continue to exist and require each review team to annually submit to the department a summary report containing specified information. The measure would also provide immunity from monetary liability for review team members under certain conditions. This measure passed the Senate on February 4, 2020.

FLORIDA SB 994

 [VIEW ONLINE](#)

Filed on November 19, 2019, this bill would expand factors for a court to consider when appointing a guardian, revise requirements for a petition for the appointment of a guardian, prohibit professional guardians from petitioning for their own appointment except under certain circumstances; and prohibit guardians from taking certain actions on behalf of an alleged incapacitated person or minor, etc. The measure was voted favorably by the Senate Rules Committee on February 12, 2020.

FLORIDA CS/CS/HB 813

 [VIEW ONLINE](#)

Introduced on January 14, 2020, this legislation would require securities dealers, investment advisers, and associated persons to report knowledge or suspicion of abuse, neglect, or exploitation of vulnerable adults to the Department of Children and Families' central abuse hotline. It would also authorize dealers and investment advisers to delay certain disbursements or transactions based on reasonable belief of financial exploitation of a specified adult. The measure requires the dealer or investment adviser to notify certain persons and the Office of Financial Regulation of such delays within a specified timeframe. The bill also authorizes the dealer or investment adviser to extend delay and provides that the length of such delays may be shortened or extended by the court of competent jurisdiction. It also provides immunity from administrative and civil liability for dealers, investment advisers, and associated persons. It requires dealers and investment advisers to develop certain training policies or programs and maintain written records of compliance. This legislation passed the House on February 20, 2020.

FLORIDA CS/SB 1198

 [VIEW ONLINE](#)

Filed on December 10, 2019, this measure would require the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the "Purple Alert", authorizing local law enforcement agencies to broadcast information concerning certain missing adults. The measure was voted favorably by the Children, Families, and Elder Affairs Committee on February 11, 2020.

Georgia

GEORGIA HB 978

 [VIEW ONLINE](#)

Filed on February 20, 2020, this bill would amend the "Disabled Adults and Elder Persons Protection Act" so as to prohibit retaliation against a person relating to a report that a disabled adult or elder person is in need of protective services or has been the victim of abuse, neglect, or exploitation. It would also provide for a right of action, relief, and statutory construction.

GEORGIA HB 987[▶ VIEW ONLINE](#)

Filed on February 21, 2020, this bill would provide additional measures for the protection of elderly persons. It would increase the maximum fines for violation by health care facilities, provide for staffing, training, and financial stability requirements for certain personal care homes and assisted living communities, provide for limited nursing services in assisted living communities, and provide for certification of memory care centers. This measure passed the House on February 28, 2020.

GEORGIA SB 291[▶ VIEW ONLINE](#)

Filed on January 14, 2020, this bill would create provisions for physician-assisted end-of-life options for terminally ill individuals. Under this legislation, an adult resident would be able to make a request to receive a prescription for medical aid-in-dying medication if certain requirements are met, as detailed in the legislation.

Hawaii

HAWAII HB 1874[▶ VIEW ONLINE](#)

Introduced on January 21, 2020, this measure would lower the age at which enhanced penalties apply for crimes against seniors from sixty-two years to sixty years of age, and would make certain criminal offenses against seniors applicable regardless of the perpetrator's knowledge of the victim's age. The bill would apply to unauthorized entry into a dwelling in the first degree, first and second degree assault, first and second degree theft, and first and second degree forgery charges. The House Judiciary Committee recommended that the measure be passed on February 25, 2020.

Idaho

IDAHO HB 404[▶ VIEW ONLINE](#)

Introduced on February 4, 2020, this bill would make financial exploitation of an elder a felony. The bill states that a caregiver commits the offense of financial exploitation of an elder if the caregiver intentionally or knowingly financially exploits the elder, provided that the total value of the money or property taken or used is more than one thousand dollars (\$1,000). This measure was retained on General Orders on February 28, 2020.

Illinois

ILLINOIS SB 3439[▶ VIEW ONLINE](#)

Filed on February 14, 2020, this bill would establish protections against the financial exploitation of persons 60 years of age or older and persons subject to the Illinois Adult Protective Services Act. Under this legislation, if a qualified individual reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, the qualified individual may notify any third party that is reasonably associated with the eligible adult or otherwise permitted by law. Additionally, a broker-dealer or investment adviser may 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, investment adviser, or qualified individual reasonably believes, after initiating an internal review of the requested transaction or disbursement, that the requested transaction or disbursement may result in financial exploitation of an eligible adult. An amendment to this bill was referred to the Senate Judiciary Committee on February 27, 2020.

ILLINOIS SB 3377[▶ VIEW ONLINE](#)

Filed on February 14, 2020, this bill would amend the Adult Protective Services Act by requiring the Department on Aging to develop and implement a dementia training program that must include instruction on the identification of people with dementia, risks such as wandering, communication impairments, elder abuse, and the best practices for interacting with people with dementia. The bill provides that initial training of 4 hours shall be completed at the start of employment with the Adult Protective Services division. It provides that annual continuing education shall include 2 hours of dementia training covering the same subjects discussed during the initial training. The measure was assigned to the Senate Human Services Committee on February 25, 2020.

ILLINOIS HB 5620[▶ VIEW ONLINE](#)

Filed on February 14, 2020, this legislation would establish that all home-delivered meals shall contain informational fact sheets on diabetes, elder abuse, elder neglect, elder financial exploitation, Social Security benefits, and Medicare. The measure permits the Department on Aging to enter into agreements with area agencies on aging or Department

designees to print and distribute the informational materials to home-delivered meal providers, which shall in turn ensure that an informational fact sheet is included with the first home-delivered meal at the start of a recipient's subscription period and annually thereafter. The bill was referred to the House Rules Committee on February 18, 2020.

Indiana

INDIANA SB 249 [▶ VIEW ONLINE](#)

Introduced January 9, 2020, this bill defines "person in a position of trust" and "self-dealing." It states that a person commits exploitation of a dependent or an endangered adult if the person recklessly uses or exerts control over the personal services or property of an endangered adult or dependent. It also states that a person in a position of trust commits exploitation of a dependent or an endangered adult if the person recklessly engages in self-dealing with the property of the dependent or endangered adult. It increases the penalty if the person has a prior unrelated conviction. The bill removes provisions relating to the Social Security Act, a sentencing enhancement that applies if the victim is at least 60 years of age, and a sentencing enhancement based on the value of the property. This measure passed the House on February 25, 2020.

Iowa

IOWA SF 2341 [▶ VIEW ONLINE](#)

Introduced on February 20, 2020, this bill establishes and relates to several offenses: (1) older individual assault, with the penalties ranging from a simple misdemeanor to a Class D felony depending on the circumstances of the assault; (2) theft against an older individual, which enhances the penalties for the existing crime of theft by one degree; (3) Elder Abuse, with the penalties ranging from a serious misdemeanor to a Class C felony depending on the circumstances and resulting injuries from the abuse; (4) financial exploitation of an older individual, with the penalties ranging from a serious misdemeanor to a Class B felony based on the amount of benefits, property, resources, belongings, or assets of the older individual involved; and (5) dependent adult abuse, relocating the criminal penalties for dependent adult abuse as they currently exist from Iowa Code chapter 235B to Iowa Code chapter 726. The bill was approved by the Senate Judiciary Committee on February 20, 2020.

Louisiana

LOUISIANA SB 302 [▶ VIEW ONLINE](#)

Prefiled and provisionally referred to the Senate Judiciary Committee on February 27, 2020, this bill would provide technical changes to the abuse and neglect of adults statute and Adult Protective Services Act to include exploitation of adults to reporting requirements and would remove the definition for "extortion". It would also require the chief law enforcement agency to notify the reporting agency of the disposition of the report within seven business days after it is complete.

Maryland

MARYLAND HB 33 [▶ VIEW ONLINE](#)

Pre-filed on September 4, 2019, this measure would prohibit abuse or neglect of a vulnerable adult that causes severe emotional distress to the vulnerable adult by altering the definition of "abuse" of a vulnerable adult. The current criminal statute addressing abuse of a vulnerable adult defines abuse only in terms of physical pain or injury. This bill would add "severe emotional distress" to the definition of abuse, addressing those cases where a vulnerable adult is harmed, psychologically, "as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the vulnerable adult's health or welfare is harmed or threatened." A hearing for this bill was held on January 21, 2020.

MARYLAND HB 304 [▶ VIEW ONLINE](#)

Introduced on January 20, 2020, this bill would authorize the Division of Consumer Protection in the Office of the Attorney General to bring a certain action under the Consumer Protection Act against a person who violates a certain provision of criminal law regarding the exploitation of a vulnerable adult. It would add a violation of a certain provision of criminal law regarding the exploitation of a vulnerable adult to the unfair, abusive, or deceptive trade practices that are subject to enforcement and penalties under the Act. A hearing for this measure took place on February 12, 2020.

MARYLAND SB 150 [▶ VIEW ONLINE](#)

Introduced on January 10, 2020, this legislation would alter the period of time within which the Maryland Department of Health must present a

claim against the estate of a deceased Maryland Medical Assistance Program recipient before the claim is barred. The measure passed in the Senate on February 5, 2020 and was referred to the House Judiciary Committee on February 10, 2020.

Massachusetts

MASSACHUSETTS S.1208 [▶ VIEW ONLINE](#)

Filed on January 14, 2019, the “Massachusetts End of Life Options Act” would make it legal for a terminally ill patient to voluntarily make an oral or written request for aid in dying and a prescription for medication that the patient can choose to self-administer to bring about a peaceful death. A reporting date for this measure is scheduled for April 1, 2020.

MASSACHUSETTS H.4349 [▶ VIEW ONLINE](#)

Filed on February 3, 2020, this measure would establish supported decision-making for adults with certain disabilities. The bill was ordered to a third reading in the House on February 18, 2020.

Michigan

MICHIGAN HB 4254 [▶ VIEW ONLINE](#)

This bill would amend the Michigan Penal Code to prohibit a person from assaulting another person that he or she knows or reasonably should know is an elder adult or vulnerable adult and to prohibit a person from restraining an elder adult or vulnerable adult by the use of violence, menace, fraud, or deceit. The penalty for a conviction could include imprisonment, a fine, or both, and range from a misdemeanor to a 25-year felony depending on the offense and the level of injury to the elder adult or vulnerable adult. This measure passed the House on February 25, 2020.

Minnesota

MINNESOTA HF 3791 [▶ VIEW ONLINE](#)

Introduced on February 26, 2020, this legislation would establish that the commissioner of human services award up to four grants to organizations operating nursing homes or assisted living facilities to develop and implement sanctuary services pilot projects that develop and implement a proven safe care shelter system located within a nursing home

or assisted living facility to serve the surrounding community, programming and services that directly aid older adults experiencing abuse and neglect, staff and consumer training relating to elder abuse and neglect, as well as public awareness campaigns on elder abuse.

MINNESOTA HF 3371 [▶ VIEW ONLINE](#)

Introduced on February 17, 2020 this bill would create a Silver Alert system to aid in locating missing senior citizens with cognitive impairments.

Nebraska

NEBRASKA LB 853 [▶ VIEW ONLINE](#)

Introduced on January 9, 2020, this measure would authorize financial institutions to place a hold on certain customer transactions in cases of financial exploitation. The bill was placed on General File with an amendment on February 6, 2020.

New Hampshire

NEW HAMPSHIRE HB 1659 [▶ VIEW ONLINE](#)

Introduced on January 8, 2020, this bill would allow a mentally competent person who is 18 years of age or older and who has been diagnosed as having a terminal disease by the patient’s attending physician and a consulting physician to request a prescription for medication which will enable the patient to control the time, place, and manner of such patient’s death. An Executive Session is scheduled for March 4, 2020.

NEW HAMPSHIRE SB 677 [▶ VIEW ONLINE](#)

Introduced January 8, 2020, this bill would establish a procedure for vulnerable adults to petition for protective orders and seek permanent and temporary relief from abuse, exploitation, and neglect. A Senate hearing for this bill took place on January 28, 2020.

New Jersey

NEW JERSEY A491 [▶ VIEW ONLINE](#)

Introduced on January 14, 2020, this bill would establish a separate crime of victimization against a senior citizen or a person with a disability, which must be charged and proved as any other crime.

Victimization would be graded one degree higher than the offense that was committed. A person would be guilty of victimization if the person commits any crime listed in the bill against a senior citizen or a person with a disability. Upon a conviction, the sentence imposed by the court would not merge with the sentence imposed for the underlying offense. This bill also provides that if the underlying crime for which the person is being sentenced was graded as a crime of the first or second degree, the sentence imposed shall include a term of post-incarceration parole supervision.

New Mexico

NEW MEXICO HM 10 [▶ VIEW ONLINE](#)

Introduced on January 3, 2020, this bill would establish that the Executive Director of the Senior Citizens Law Office convene a task force to study and make recommendations on a possible framework to combat the financial abuse of senior citizens and adults with disabilities. On February 8, 2020, the House Health & Human Services committee recommended passage of the bill.

Ohio

OHIO SB 255 [▶ VIEW ONLINE](#)

Introduced on December 23, 2019, this legislation would permit a resident of a long-term care facility to conduct electronic monitoring of the resident's room. The objective of the measure is to mitigate the occurrence of elder abuse within nursing home settings in Ohio. The measure was referred to the Senate Health, Human Services and Medicaid Committee on January 22, 2020.

OHIO SB 265 [▶ VIEW ONLINE](#)

Introduced on January 28th, 2020 this measure seeks to increase the penalty for the offense of domestic violence when the victim is functionally impaired. The measure was referred to the Senate Judiciary Committee on February 5, 2020.

OHIO HB 446 [▶ VIEW ONLINE](#)

Introduced on December 12, 2019, this bill would create a "Stop Elder Abuse" license plate to increase awareness of elder abuse. The bill was referred to the House Transportation and Public Safety Committee on January 28, 2020.

Pennsylvania

PENNSYLVANIA SB 819 [▶ VIEW ONLINE](#)

Reintroduced on August 7, 2019, this bill would provide significant updates to Pennsylvania's Older Adults Protective Services Act. The bill would reinstitute and update the list of criminal offenses where an individual would not be allowed to serve as a caregiver in a facility or for a homecare agency, would expand mandatory elder abuse reporters to facilities that did not exist in 1987 when the law was passed, and include language which provides clear direction for financial providers to voluntarily report suspected financial exploitation. The measure unanimously passed the Senate on October 29, 2019.

Rhode Island

RHODE ISLAND H 7322 [▶ VIEW ONLINE](#)

Introduced on January 29, 2020, this bill would make it a felony to isolate an elder or dependent adult and would expand the persons entitled to notice when a guardianship or conservatorship petition is filed in the probate court for dependents or elderly adults. A hearing is scheduled for March 3, 2020.

RHODE ISLAND H 7624 [▶ VIEW ONLINE](#)

Introduced on February 14, 2020, this measure would mandate minimum staffing levels and standards for quality care for nursing homes and their residents with violations subject to monetary penalties. It would also appropriate \$600,000 for enhanced training to provide care for residents with increased cognitive impairments and provide wage increases subject to the rate of inflation.

Virginia

VIRGINIA SB 261 [▶ VIEW ONLINE](#)

Prefiled on January 3, 2020, this bill would provide that any account filed by a fiduciary with the commissioner of accounts and annual report filed by a guardian with the local department of social services shall be signed under oath and that the punishment for making a false statement or entry in such a filing is a civil penalty of not more than \$500. The bill passed the House on February 19, 2020 and the Senate on February 24, 2020. The Governor's action deadline is March 6, 2020.

VIRGINIA SB 695[▶ VIEW ONLINE](#)

Prefiled on January 7, 2020, this measure would direct the Attorney General to establish ongoing communication with the Department for Aging and Rehabilitative Services to ensure that adults 60 years of age or older or 18 years of age or older and incapacitated have access to information regarding the prevention of potential patterns of financial exploitation. The bill passed the Senate on February 5, 2020 and passed the House on February 25, 2020.

West Virginia

WEST VIRGINIA HB 4362[▶ VIEW ONLINE](#)

Introduced on January 15, 2020, this bill establishes penalties for emotional abuse of an incapacitated adult, penalties for abuse, neglect or emotional abuse of a nonverbal special needs child, and penalties for causing death of a nonverbal special needs child. The legislation passed the House on February 26, 2020.

WEST VIRGINIA HB 4377[▶ VIEW ONLINE](#)

Introduced on January 16, 2020, this measure would create the "Protection of Vulnerable Adults from Financial Exploitation Act." The bill defines "financial exploitation" and "eligible adult" and details the obligations and duties of broker-dealers or investment advisers to notify certain agencies of potential financial exploitation of eligible adults. The bill passed the House on February 25, 2020.

Wisconsin

WISCONSIN AB 350[▶ VIEW ONLINE](#)

This measure would authorize money laundering to be charged at the state level. A public hearing was held on September 18, 2019 and executive action was taken on October 17, 2019.

WISCONSIN AB 479[▶ VIEW ONLINE](#)

Introduced on September 26, 2019, this measure would expedite criminal proceedings when a victim or witness is an elder person and would preserve the testimony of a crime victim or witness who is an elder person. This measure passed the Assembly on January 15, 2020.

WISCONSIN AB 480[▶ VIEW ONLINE](#)

Introduced on September 26, 2019, this bill would increase penalties for crimes against elder persons. It would provide restraining orders for elder persons, freeze assets of a defendant charged with financial exploitation of an elder person, sexual assault of an elder person, or physical abuse of an elder person and provides a penalty. The measure passed the Assembly on February 11, 2020.

WISCONSIN AB 481[▶ VIEW ONLINE](#)

Introduced on September 26, 2019, the measure addresses financial exploitation of vulnerable adults. The bill would allow financial institutions to freeze a transaction for up to 5 days to investigate fraud if necessary. The bill passed the Assembly on February 11, 2020.

WISCONSIN AB 482[▶ VIEW ONLINE](#)

Introduced on September 26, 2019, this bill addressed financial exploitation of vulnerable adults with securities accounts, violations of the Wisconsin Uniform Securities Law, granting rule-making authority, and providing a penalty. The measure would allow those administering securities accounts to freeze a transaction for up to 14 days to investigate fraud if necessary. The measure passed the Assembly on February 11, 2020.

WISCONSIN AB 734[▶ VIEW ONLINE](#)

Introduced on January 9, 2020, this bill would allow for a crime to be charged based on the number of pieces of mail stolen versus the amount of money within the mail that is being stolen. There is an enhanced penalty if the victim is an individual at risk. The bill passed the Senate on February 19, 2020 and the Assembly on February 20, 2020. It was presented to the Governor on February 28, 2020.

On the Horizon

Senior Legal Hotline Act of 2020 (pending bill # assignment): The Senior Legal Hotline Act of 2020 would authorize the U.S. Department of Health and Human Services Administration for Community Living to create a competitive grant program to support organizations that operate Statewide legal hotlines for older adults. This grant program would be authorized to operate at \$10 million per year for five years. The measure is set to be introduced in the coming weeks.

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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