AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in provisions relating to abuse of family, providing for senior safety from financial exploitation; providing for immunity to banks under certain circumstances; and imposing powers and duties on Department of Aging.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 68

SENIOR SAFETY FROM FINANCIAL EXPLOITATION

Sec. 6801. Short title of chapter.

6802. Definitions.

6803. Duty of bank to disclose financial exploitation of eligible adult to Commonwealth.

6804. Immunity for disclosures to department.

6805. Third-party disclosures.
6806. Immunity for third-party disclosures.
6807. Delaying disbursements.
6808. Immunity for delaying disbursements.
6809. Access to records.
6810. Administration.

§ 6801. Short title of chapter.

This chapter shall be known and may be cited as the Senior Safety Act.

§ 6802. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:


"Commission." The Banking and Securities Commission of the Commonwealth as established under Subarticle C of Article XI-A of the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking and Securities Code.

"Department." The Department of Aging of the Commonwealth.

"Eligible adult." An individual who is at least 60 years of age.

"Financial exploitation." Any of the following:

(1) The wrongful or unauthorized taking, withholding, appropriation or use of money, assets or property of an eligible adult.

(2) The act or omission taken by a person, including through the use of power of attorney, guardianship or conservatorship of an eligible adult to:

(i) obtain control through deception, intimidation
or undue influence over the eligible adult's money,
assets or property to deprive the eligible adult of the
ownership, use, benefit or possession of the eligible
adult's money, assets or property; or

(ii) convert the money, assets or property of the
eligible adult to deprive the eligible adult of
ownership, use, benefit or possession of the eligible
adult's money, assets or property.

"Qualified individual." A bank, bank representative or
person who serves in a supervisory, compliance or legal capacity
for a bank.

§ 6803. Duty of bank to disclose financial exploitation of
eligible adult to Commonwealth.

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
shall promptly notify the department and the commission.

§ 6804. Immunity for disclosures to department.

A qualified individual that, in good faith and exercising
reasonable care, makes a disclosure of information under section
6803 (relating to duty of bank to disclose financial
exploitation of eligible adult to Commonwealth) shall be immune
from administrative or civil liability that might otherwise
arise from the disclosure or for any failure to notify a
customer of the qualified individual of the disclosure.

§ 6805. Third-party disclosures.

If a qualified individual reasonably believes that financial
exploitation of an eligible adult may have occurred, may have
been attempted or is being attempted, a qualified individual may
notify any third party previously designated by the eligible
adult. Disclosure under this section may not be made to any designated third party that is suspected of financial exploitation or other abuse of the eligible adult.

§ 6806. Immunity for third-party disclosures.

A qualified individual that, in good faith and exercising reasonable care, complies with section 6805 (relating to third-party disclosures) shall be immune from any administrative or civil liability that might otherwise arise from the disclosure.

§ 6807. Delaying disbursements.

(a) Delay.--A bank may delay a disbursement of funds from an account of an eligible adult or an account on which the eligible adult is a beneficiary if:

(1) the bank or qualified individual reasonably believes, after initiating an internal review of the requested disbursement of funds, that the requested disbursement may result in financial exploitation of the eligible adult; and

(2) the bank:

   (i) immediately, but in no event no more than two business days after the requested disbursement of funds, provides written notice 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 an eligible adult;

   (ii) immediately, but in no event no more than two business days after the requested disbursement of funds, provides notice of the delay and the reason for the delay to the department and the commission; and

   (iii) continues the internal review of the suspected
or attempted financial exploitation of the eligible adult under paragraph (1), as necessary, and reports the investigation's results to the department and the commission within seven business days after the requested disbursement of funds.

(b) Expiration.--Except as provided under subsection (c), a delay of the disbursement of funds under subsection (a) shall expire upon:

(1) a determination by the bank that the disbursement of funds will not result in financial exploitation of the eligible adult; or

(2) fifteen business days after the date of the delay of the disbursement of the funds, whichever is earlier.

(c) Extensions.--The following apply:

(1) The department or the commission may extend the delay of the disbursement of funds under subsection (b)(2). An extension under this paragraph shall expire no later 25 business days after the date of the delay under subsection (a), unless terminated earlier by department, the commission or an order of a court of competent jurisdiction.

(2) A court of competent jurisdiction may enter an order extending the delay of the disbursement of funds under subsection (b)(2) or may order other relief based on the petition of the department, the commission or the bank that initiated the delay or other interested party.

§ 6808. Immunity for delaying disbursements.

A bank that, in good faith and exercising reasonable care, complies with section 6807 (relating to delaying disbursements) shall be immune from any administrative or civil liability that may otherwise arise from the delay of disbursement of funds.
§ 6809. Access to records.

(a) Access.--A bank shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to the department, the commission and law enforcement as part of a referral of the suspected or attempted financial exploitation or upon request. The records may include historical records or records of the most recent transactions that indicate financial exploitation of an eligible adult.

(b) Records.--A record made available under subsection (a) shall not be considered a public record as defined in section 102 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(c) Construction.--Nothing in this section shall be construed to limit or otherwise impede the authority of the commission to access or examine the books and records of banks as otherwise provided by the laws of this Commonwealth.

§ 6810. Administration.

The department shall promulgate rules and regulations necessary for the administration of this chapter.

Section 2. This act shall take effect in 60 days.