



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 299

PRINTERS NO. 1185

PRIME SPONSOR: Bizzarro

COST / (SAVINGS)

FUND	FY 2014/15	FY 2015/16
General Fund	\$0	\$0

SUMMARY: House Bill 299 amends Title 20 (Decedents, Estates and Fiduciaries) concerning durable powers of attorney. It would take effect in 60 days.

ANALYSIS: A “power of attorney” is a legal document in which a person (the principal) appoints another (the agent) to act on his or her behalf. Current law provides for a notice that must appear at the beginning of a power of attorney that must be signed by the principal. This legislation adds the following to that notice: “If you believe that you are a victim of financial abuse by your agent and you are a senior citizen, you may call the Department of Aging, 1-800-490-8505. The hotline is open 24 hours a day, seven days a week.”

Current law also provides an acknowledgement that any person acting as an agent for another through the use of a power of attorney must sign. This legislation adds the following to that acknowledgement: “I understand that if any intentional act or omission on my part as the agent causes harm to the principal, I may be subject to criminal penalties.”

This legislation also adds a condition under which an Area Agency on Aging (AAA) may seek access to confidential records of a principal through court order. Under current law there are two conditions and House Bill 299 would add a third: when the AAA has a good faith belief that a crime has been committed and alleges that the principal lacks the capacity to provide consent to the release of confidential records.

FISCAL IMPACT: Enactment of this legislation will have no adverse impact on Commonwealth funds.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: April 21, 2015

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.