

No. \_\_\_\_\_

LEGISLATIVE REFERENCE BUREAU

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.

INTRODUCED \_\_\_\_\_ 20 \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

See next page for additional co-sponsors.

Prior Session \_\_\_\_\_

|                                 |          |
|---------------------------------|----------|
| <b>Referred to Committee on</b> |          |
| Date _____                      | 20 _____ |
| Reported _____                  | 20 _____ |
| <b>As Committed-Amended</b>     |          |
| <b>Recommendation</b>           |          |
| _____                           |          |
| By Hon. _____                   |          |



## AN ACT

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

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

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

11 CHAPTER 68

12 SENIOR SAFETY FROM FINANCIAL EXPLOITATION

13 Sec.

14 6801. Short title of chapter.

15 6802. Definitions.

16 6803. Duty of bank to disclose financial exploitation of  
17 eligible adult to Commonwealth.

18 6804. Immunity for disclosures to department.

19 6805. Third-party disclosures.

1 6806. Immunity for third-party disclosures.

2 6807. Delaying disbursements.

3 6808. Immunity for delaying disbursements.

4 6809. Access to records.

5 6810. Administration.

6 § 6801. Short title of chapter.

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

9 § 6802. Definitions.

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

13 "Bank." As defined in section 102 of the act of December 5,  
14 1972 (P.L.1280, No.284), known as the Pennsylvania Securities  
15 Act of 1972.

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

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

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

23 "Financial exploitation." Any of the following:

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

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

30 (i) obtain control through deception, intimidation

1 or undue influence over the eligible adult's money,  
2 assets or property to deprive the eligible adult of the  
3 ownership, use, benefit or possession of the eligible  
4 adult's money, assets or property; or

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

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

12 § 6803. Duty of bank to disclose financial exploitation of  
13 eligible adult to Commonwealth.

14 If a qualified individual reasonably believes that financial  
15 exploitation of an eligible adult may have occurred, may have  
16 been attempted or is being attempted, the qualified individual  
17 shall promptly notify the department and the commission.

18 § 6804. Immunity for disclosures to department.

19 A qualified individual that, in good faith and exercising  
20 reasonable care, makes a disclosure of information under section  
21 6803 (relating to duty of bank to disclose financial  
22 exploitation of eligible adult to Commonwealth) shall be immune  
23 from administrative or civil liability that might otherwise  
24 arise from the disclosure or for any failure to notify a  
25 customer of the qualified individual of the disclosure.

26 § 6805. Third-party disclosures.

27 If a qualified individual reasonably believes that financial  
28 exploitation of an eligible adult may have occurred, may have  
29 been attempted or is being attempted, a qualified individual may  
30 notify any third party previously designated by the eligible

1 adult. Disclosure under this section may not be made to any  
2 designated third party that is suspected of financial  
3 exploitation or other abuse of the eligible adult.

4 § 6806. Immunity for third-party disclosures.

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

9 § 6807. Delaying disbursements.

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

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

18 (2) the bank:

19 (i) immediately, but in no event no more than two  
20 business days after the requested disbursement of funds,  
21 provides written notice of the delay and the reason for  
22 the delay to all parties authorized to transact business  
23 on the account, unless any such party is reasonably  
24 believed to have engaged in suspected or attempted  
25 financial exploitation of an eligible adult;

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

30 (iii) continues the internal review of the suspected

1 or attempted financial exploitation of the eligible adult  
2 under paragraph (1), as necessary, and reports the  
3 investigation's results to the department and the  
4 commission within seven business days after the requested  
5 disbursement of funds.

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

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

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

14 (c) Extensions.--The following apply:

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

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

26 § 6808. Immunity for delaying disbursements.

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

1 § 6809. Access to records.

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

10 (b) Records.--A record made available under subsection (a)  
11 shall not be considered a public record as defined in section  
12 102 of the act of February 14, 2008 (P.L.6, No.3), known as the  
13 Right-to-Know Law.

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

18 § 6810. Administration.

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

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