



COMMISSION ON AGING

March 3, 2020

The Honorable Will Smith
Chair, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Re: SB 407: Office of the Attorney General—Senior and Vulnerable Adult Asset Recovery Unit

Dear Senator Smith:

I am writing on behalf of the Montgomery County Commission on Aging to express our strong support for SB 407. The Commission on Aging was established in 1974 to advise County government on the needs, interests, and issues of older adult residents, and to advocate on their behalf. Our work is ever more significant as our older adult population continues to grow and to become more diverse. A primary area of our concern is protection and support for vulnerable and older adults.

SB 407 would establish a Senior and Vulnerable Adult Asset Recovery Unit in the Office of the Attorney General for the purpose of protecting seniors and vulnerable adults from financial crimes under § 8-801 of the Criminal Law Article. It would authorize the Unit to bring civil actions for damages and if successful, to recover costs against certain persons. It would also require the Governor, beginning in fiscal year 2022, to appropriate at least \$250,000 for the Unit for dedicated staffing and to support investigations and prosecutions.

In recent years, Maryland has made strides in strengthening services and protections for vulnerable and older adults through laws, training, education, and creation and funding of services and programs. Despite these efforts, financial exploitation continues to increase. In Montgomery County, Adult Protective Services (which investigates referrals of abuse, neglect, self-neglect and financial exploitation of vulnerable adults) has seen an increase of approximately 33% in investigations over the last three fiscal years. The APS caseload has doubled over the past seven fiscal years and is at an all-time high. The number of investigations involving financial exploitation has also increased dramatically - from 16% of APS cases in FY12 to 35% of cases in FY19.

SB 407 builds on Commercial Law Article § 13-204, enacted in 2016, which authorizes the Attorney General to bring civil actions for damages and costs against those who knowingly and willfully obtain by deception, intimidation, or undue influence, the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of property. What Commercial Law Article § 13-204 does not do, is provide the Office of Attorney General with the resources necessary to engage in this work.

By establishing and funding a Senior and Vulnerable Adult Asset Recovery Unit, SB 407 would provide the Office of the Attorney General with the resources it needs to bring justice to vulnerable victims, thereby fulfilling the intent of Commercial Law Article §13-204.

Department of Health and Human Services

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We urge your support for this bill and thank you for your consideration of the Commission on Aging's position.

Sincerely,

Jean Dinwiddie, Chair

cc: Senator Benjamin Kramer
Committee Members
Montgomery County Delegation
Leslie Frey