

2032

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sens. GOLDEN, HANNON -- read twice and ordered printed,
and when printed to be committed to the Committee on Aging

AN ACT to amend the elder law, in relation to financial exploitation of
the elderly; and to amend the state finance law, in relation to creat-
ing the financial exploitation outreach, education and training fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 13 and 14 of section 202 of the elder law,
2 subdivision 13 as amended and subdivision 14 as added by section 24-d of
3 part B of chapter 58 of the laws of 2007, are amended and a new subdivi-
4 sion 15 is added to read as follows:
5 13. to conduct a program of education and information on age discrimi-
6 nation and the preparation and filing of complaints relating to persons
7 sixty years of age or older; [and]
8 14. to, in cooperation with the department of state:
9 (a) prepare or cause to be prepared and made available to cities,
10 towns and villages model zoning and planning guidelines that foster
11 age-integrated communities including mixed-use age-integrated communi-
12 ties; and
13 (b) make recommendations, in consultation with the division of housing
14 and community renewal, to the governor and legislature for assisting
15 mixed-use age-integrated housing development or redevelopment demon-
16 stration projects in urban, suburban and rural areas of the state. The
17 director of the office for the aging and secretary of state shall estab-
18 lish an advisory committee for purposes of this subdivision. Such
19 committee shall include, but not be limited to, top representatives of
20 local government, senior citizen organizations, developers, senior
21 service providers and planners[.]; AND
22 15. TO CONDUCT AN OUTREACH, EDUCATION AND TRAINING PROGRAM FOR FINAN-
23 CIAL INSTITUTIONS AS DEFINED IN SUBDIVISION SIX OF SECTION 470.00 OF THE
24 PENAL LAW.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 2. The elder law is amended by adding a new section 219-a to read as
2 follows:

3 S 219-A. FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING
4 PROGRAM. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "DESIGNATED AGEN-
5 CY" SHALL HAVE THE MEANING ASCRIBED TO IT UNDER SECTION TWO HUNDRED
6 FOURTEEN OF THIS TITLE AND "FINANCIAL INSTITUTION" SHALL HAVE THE MEAN-
7 ING ASCRIBED TO IT IN SUBDIVISION SIX OF SECTION 470.00 OF THE PENAL
8 LAW.

9 2. THE DIRECTOR, WITHIN THE AMOUNTS APPROPRIATED THEREFOR, SHALL, IN
10 CONJUNCTION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE
11 BANKING DEPARTMENT, ESTABLISH A FINANCIAL EXPLOITATION OUTREACH, EDUCA-
12 TION AND TRAINING PROGRAM, HEREINAFTER REFERRED TO AS "THE PROGRAM" FOR
13 THE PURPOSE OF PROVIDING AN EDUCATION, OUTREACH AND TRAINING PROGRAM TO
14 FINANCIAL INSTITUTIONS, TO CERTIFIED PUBLIC ACCOUNTANTS LICENSED IN THIS
15 STATE, TO ANY PREPARER OF TAXES OPERATING IN THIS STATE AND TO ATTORNEYS
16 LICENSED IN THIS STATE. THE PROGRAM SHALL BE A VOLUNTARY PROGRAM. THE
17 DIRECTOR, IN CONJUNCTION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES
18 AND THE BANKING DEPARTMENT, SHALL COORDINATE ACTIVITIES TO IDENTIFY AND
19 PROVIDE TRAINING TO THE INSTITUTIONS AND INDIVIDUALS DESCRIBED IN THIS
20 SECTION.

21 3. (A) AS PART OF THE PROGRAM, THE DIRECTOR MAY AWARD GRANTS TO QUALI-
22 FIED DESIGNATED AGENCIES TO ESTABLISH LOCAL ELDERLY EXPLOITATION
23 OUTREACH, EDUCATION AND TRAINING PROGRAMS. QUALIFIED DESIGNATED AGENCIES
24 SHALL WORK COLLABORATIVELY WITH SUCH INSTITUTIONS AND INDIVIDUALS, AND
25 THEIR REPRESENTATIVE ASSOCIATIONS.

26 (B) IN MAKING SUCH GRANTS, THE DIRECTOR SHALL CONSIDER:

27 (1) THE MANNER IN WHICH THE DESIGNATED AGENCY PROPOSES TO PROVIDE SUCH
28 EDUCATION, OUTREACH AND TRAINING;

29 (2) THE CAPACITY OF THE DESIGNATED AGENCY TO COORDINATE ITS SERVICES
30 WITH BANKING, HUMAN SERVICE AND LAW ENFORCEMENT AND PUBLIC AGENCIES
31 WHICH PROVIDE SERVICES OR ASSISTANCE TO THE ELDERLY, INCLUDING THE LOCAL
32 DEPARTMENT OF SOCIAL SERVICES ADULT PROTECTIVE SERVICES UNIT; AND

33 (3) ANY OTHER CRITERIA DETERMINED BY THE DIRECTOR TO BE APPROPRIATE.

34 4. THE PROGRAM SHALL, AT A MINIMUM, CONSIST OF THE FOLLOWING ELEMENTS
35 WHICH SHALL BE PROVIDED BY THE OFFICE:

36 (A) EDUCATIONAL AND INFORMATIONAL MATERIALS IN PRINT, AUDIO, VISUAL,
37 ELECTRONIC OR OTHER MEDIA;

38 (B) PUBLIC SERVICE ANNOUNCEMENTS, ADVERTISEMENTS, MEDIA CAMPAIGNS,
39 WORKSHOPS, MASS MAILINGS, CONFERENCES OR PRESENTATIONS; AND

40 (C) INSTRUCTIONS ON HOW TO REPORT KNOWN OR SUSPECTED INCIDENTS OF
41 FINANCIAL EXPLOITATION OF THE ELDERLY, INCLUDING THE APPROPRIATE TELE-
42 PHONE NUMBERS TO CALL AND THE TYPES OF INFORMATION THAT WOULD ASSIST THE
43 OFFICE WITH ITS INVESTIGATION OF SUCH REPORTS.

44 5. THE DIRECTOR SHALL CONVENE AN ADVISORY COMMITTEE MADE UP OF AT
45 LEAST TEN, BUT NO MORE THAN TWENTY MEMBERS TO ADVISE THE DIRECTOR AND
46 MAKE RECOMMENDATIONS ON THE ASPECTS OF DEVELOPING AND IMPLEMENTING THE
47 PROGRAM. MEMBERS OF THE ADVISORY COMMITTEE SHALL INCLUDE, BUT NOT BE
48 LIMITED TO: AT LEAST THREE REPRESENTATIVES FROM STATEWIDE SENIOR ADVOCA-
49 CY ORGANIZATIONS, AT LEAST ONE ATTORNEY WHOSE PRACTICE CONCENTRATES IN
50 ELDER LAW OR AN INDIVIDUAL ACTING ON BEHALF OF THE ELDER LAW SECTION OF
51 THE NEW YORK STATE BAR ASSOCIATION, AT LEAST ONE BANKER OR A REPRESENTATIVE
52 OF AN ASSOCIATION REPRESENTING BANKERS, AT LEAST ONE CERTIFIED
53 PUBLIC ACCOUNTANT OR A REPRESENTATIVE OF AN ASSOCIATION REPRESENTING
54 CERTIFIED PUBLIC ACCOUNTANTS, AT LEAST TWO MEMBERS REPRESENTING PROTEC-
55 TIVE SERVICE AGENCIES FOR ADULTS, AND AT LEAST TWO LAW ENFORCEMENT
56 REPRESENTATIVES.

1 S 3. The state finance law is amended by adding a new section 99-q to
2 read as follows:

3 S 99-Q. FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND.
4 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER
5 AND THE SUPERINTENDENT OF BANKS A SPECIAL REVENUE FUND TO BE KNOWN AS
6 THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND.

7 2. THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND
8 SHALL CONSIST OF ALL MONEYS, APPROPRIATED THERETO, AND ALL OTHER FEES,
9 FINES, GRANTS, BEQUESTS OR OTHER MONIES CREDITED OR TRANSFERRED THERETO
10 FROM ANY OTHER FUND OR SOURCE.

11 3. THE MONEYS OF THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND
12 TRAINING FUND SHALL BE DISBURSED BY THE COMPTROLLER TO THE STATE OFFICE
13 FOR THE AGING FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF SECTIONS
14 TWO HUNDRED NINETEEN AND TWO HUNDRED NINETEEN-A OF THE ELDER LAW.

15 S 4. This act shall take effect immediately.