S T A T E O F N E W Y O R K

956--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. DIAZ, MONTGOMERY, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommitted to the Committee on Banks in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 creating the financial exploitation outreach, education and training fund

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

Section 1. Section 202 of the elder law is amended by adding a new subdivision 16 to read as follows:

16. TO CONDUCT AN OUTREACH, EDUCATION AND TRAINING PROGRAM FOR FINANCIAL INSTITUTIONS AS DEFINED IN SUBDIVISION SIX OF SECTION 470.00 OF THE PENAL LAW.

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

S 219-A. FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING PROGRAM. 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE TERM "DESIGNATED AGENCY" SHALL HAVE THE MEANING ASCRIBED TO IT UNDER SECTION TWO HUNDRED FOURTEEN OF THIS TITLE AND "FINANCIAL INSTITUTION" SHALL HAVE THE MEANING ASCRIBED TO IT IN SUBDIVISION SIX OF SECTION 470.00 OF THE PENAL LAW.

2. THE DIRECTOR, WITHIN THE AMOUNTS APPROPRIATED THEREFOR, SHALL, IN CONJUNCTION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE BANKING DEPARTMENT, ESTABLISH A FINANCIAL EXPLOITATION OUTREACH, EDUCATION AND TRAINING PROGRAM, HEREINAFTER REFERRED TO AS "THE PROGRAM" FOR THE PURPOSE OF PROVIDING AN EDUCATION, OUTREACH AND TRAINING PROGRAM TO FINANCIAL INSTITUTIONS, TO CERTIFIED PUBLIC ACCOUNTANTS LICENSED IN THIS STATE, TO ANY PREPARER OF TAXES OPERATING IN THIS STATE AND TO ATTORNEYS LICENSED IN THIS STATE. THE PROGRAM SHALL BE A VOLUNTARY PROGRAM. THE DIRECTOR, IN CONJUNCTION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE BANKING DEPARTMENT, SHALL COORDINATE ACTIVITIES TO IDENTIFY AND

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

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PROVIDE TRAINING TO THE INSTITUTIONS AND INDIVIDUALS DESCRIBED IN THIS SECTION.

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

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

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

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

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

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

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

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

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

5. THE DIRECTOR SHALL CONVENE AN ADVISORY COMMITTEE MADE UP OF AT LEAST TEN, BUT NO MORE THAN TWENTY MEMBERS TO ADVISE THE DIRECTOR AND MAKE RECOMMENDATIONS ON THE ASPECTS OF DEVELOPING AND IMPLEMENTING THE PROGRAM. MEMBERS OF THE ADVISORY COMMITTEE SHALL INCLUDE, BUT NOT BE LIMITED TO: AT LEAST THREE REPRESENTATIVES FROM STATEWIDE SENIOR ADVOCACY ORGANIZATIONS, AT LEAST ONE ATTORNEY WHOSE PRACTICE CONCENTRATES IN ELDER LAW OR AN INDIVIDUAL ACTING ON BEHALF OF THE ELDER LAW SECTION OF THE NEW YORK STATE BAR ASSOCIATION, AT LEAST ONE BANKER OR A REPRESENTATIVE OF AN ASSOCIATION REPRESENTING BANKERS, AT LEAST ONE CERTIFIED PUBLIC ACCOUNTANT OR A REPRESENTATIVE OF AN ASSOCIATION REPRESENTING CERTIFIED PUBLIC ACCOUNTANTS, AT LEAST TWO MEMBERS REPRESENTING PROTECTIVE SERVICE AGENCIES FOR ADULTS, AND AT LEAST TWO LAW ENFORCEMENT REPRESENTATIVES.

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

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

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

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

S 4. This act shall take effect on the ninetieth day after it shall have become a law.