

5478

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Banks

AN ACT to amend the banking law, in relation to reporting of suspected financial exploitation

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

1     Section 1. The banking law is amended by adding a new section 9-v to  
2     read as follows:  
3     S 9-V. REPORTING OF SUSPECTED FINANCIAL EXPLOITATION. 1. FOR PURPOSES  
4     OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:  
5     (A) "FINANCIAL EXPLOITATION" SHALL MEAN ACTIVITY PROHIBITED PURSUANT  
6     TO SECTIONS 190.25, 190.26, 190.60, 190.65, 190.78, 190.79, 190.80,  
7     190.80-A, 190.81, 190.82, AND 190.83 OF THE PENAL LAW OR ACTIVITY MEANT  
8     TO DEPRIVE AN INDIVIDUAL OF ASSETS OR PROPERTY BY DECEPTIVE, MANIPULA-  
9     TIVE, OR OTHER ILLEGAL MEANS.  
10    (B) "FINANCIAL INSTITUTION" SHALL MEAN ANY BANKING INSTITUTION, CREDIT  
11    UNION, INVESTMENT BROKERAGE, AND ANY OTHER ENTITY LICENSED BY THE SUPER-  
12    INTENDENT.  
13    (C) "SUPERINTENDENT" SHALL MEAN THE SUPERINTENDENT OF THE DEPARTMENT  
14    OF FINANCIAL SERVICES.  
15    2. THE SUPERINTENDENT, IN CONSULTATION WITH THE DIRECTOR OF THE OFFICE  
16    FOR THE AGING, THE ATTORNEY GENERAL, REPRESENTATIVES OF THE FINANCIAL  
17    SERVICES INDUSTRY, LAW ENFORCEMENT, SENIOR GROUPS, AND DISTRICT ATTOR-  
18    NEYS, SHALL DEVELOP GUIDELINES RELATING TO REPORTING SUSPECTED FINANCIAL  
19    EXPLOITATION. SUCH GUIDELINES SHALL INCLUDE, BUT NOT BE LIMITED TO:  
20    (A) THE TYPES OF WARNING SIGNS AND EVIDENCE THAT WOULD BE ACCEPTABLE  
21    INDICATORS OF FINANCIAL EXPLOITATION;  
22    (B) WHEN SUSPECTED FINANCIAL EXPLOITATION SHOULD BE REPORTED;  
23    (C) TO WHOM SUSPECTED FINANCIAL EXPLOITATION SHOULD BE REPORTED;  
24    (D) INFORMATION THAT SHOULD BE INCLUDED IN A REPORT OF SUSPECTED  
25    FINANCIAL ABUSE; AND

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

LBD01899-04-3

1 (E) THE APPLICABLE LAWS, RULES AND REGULATIONS THAT MUST BE FOLLOWED  
2 WHILE REPORTING SUSPECTED FINANCIAL ABUSE.

3 3. A FINANCIAL INSTITUTION LOCATED OR DOING BUSINESS IN THIS STATE OR  
4 AN EMPLOYEE THEREOF WHO, ACTING REASONABLY AND IN GOOD FAITH IN ACCORD-  
5 ANCE WITH THESE GUIDELINES, REPORTS SUSPECTED FINANCIAL ABUSE SHALL HAVE  
6 IMMUNITY FROM ANY CIVIL LIABILITY THAT MIGHT OTHERWISE RESULT BY REASON  
7 OF SUCH ACTIONS.

8 4. THE SUPERINTENDENT IS DIRECTED TO PROMULGATE ANY RULES OR REGU-  
9 LATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

10 S 2. This act shall take effect on the ninetieth day after it shall  
11 have become a law.