

STATE OF NEW YORK

7224

IN SENATE

January 4, 2018

Introduced by Sen. PERALTA -- 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 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:

1 Section 1. Section 202 of the elder law is amended by adding a new
2 subdivision 17 to read as follows:

3 17. to conduct an outreach, education and training program for finan-
4 cial institutions as defined in subdivision six of section 470.00 of the
5 penal law.

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

8 § 219-a. Financial exploitation, outreach, education and training
9 program. 1. Definitions. For the purposes of this section, the term
10 "designated agency" shall have the meaning ascribed to it under section
11 two hundred fourteen of this title and "financial institution" shall
12 have the meaning ascribed to it in subdivision six of section 470.00 of
13 the penal law.

14 2. The director, within the amounts appropriated therefor, shall, in
15 conjunction with the office of children and family services and the
16 department of financial services, establish a financial exploitation
17 outreach, education and training program, hereinafter referred to as
18 "the program" for the purpose of providing an education, outreach and
19 training program to financial institutions, to certified public account-
20 ants licensed in this state, to any preparer of taxes operating in this
21 state and to attorneys licensed in this state. The program shall be a
22 voluntary program. The director, in conjunction with the office of chil-
23 dren and family services and the department of financial services, shall
24 coordinate activities to identify and provide training to the insti-
25 tutions and individuals described in this section.

26 3. (a) As part of the program, the director may award grants to quali-
27 fied designated agencies to establish local elderly exploitation

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

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1 outreach, education and training programs. Qualified designated agencies
2 shall work collaboratively with such institutions and individuals, and
3 their representative associations.

4 (b) In making such grants, the director shall consider:

5 (1) the manner in which the designated agency proposes to provide such
6 education, outreach and training;

7 (2) the capacity of the designated agency to coordinate its services
8 with banking, human service and law enforcement and public agencies
9 which provide services or assistance to the elderly, including the local
10 department of social services adult protective services unit; and

11 (3) any other criteria determined by the director to be appropriate.

12 4. The program shall, at a minimum, consist of the following elements
13 which shall be provided by the office:

14 (a) educational and informational materials in print, audio, visual,
15 electronic or other media;

16 (b) public service announcements, advertisements, media campaigns,
17 workshops, mass mailings, conferences or presentations; and

18 (c) instructions on how to report known or suspected incidents of
19 financial exploitation of the elderly, including the appropriate tele-
20 phone numbers to call and the types of information that would assist the
21 office with its investigation of such reports.

22 5. The director shall convene an advisory committee made up of at
23 least seven, but no more than twelve members to advise the director and
24 make recommendations on the aspects of developing and implementing the
25 program. Members of the advisory committee shall include, but not be
26 limited to: at least two representatives from statewide senior advocacy
27 organizations, at least one attorney whose practice concentrates in
28 elder law or an individual acting on behalf of the elder law section of
29 the New York state bar association, at least one banker or a represen-
30 tative of an association representing bankers, at least one certified
31 public accountant or a representative of an association representing
32 certified public accountants, at least one member representing protec-
33 tive service agencies for adults, and at least one law enforcement
34 representative.

35 § 3. The state finance law is amended by adding a new section 98-d to
36 read as follows:

37 § 98-d. Financial exploitation, outreach, education and training fund.
38 1. There is hereby established in the joint custody of the comptroller
39 and the superintendent of financial services a special revenue fund to
40 be known as the financial exploitation, outreach, education and training
41 fund.

42 2. The financial exploitation, outreach, education and training fund
43 shall consist of all moneys, appropriated thereto, and all other fees,
44 finances, grants, bequests or other monies credited or transferred thereto
45 from any other fund or source.

46 3. The moneys of the financial exploitation, outreach, education and
47 training fund shall be disbursed by the comptroller to the state office
48 for the aging for the purpose of carrying out the provisions of sections
49 two hundred nineteen and two hundred nineteen-a of the elder law.

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