

# STATE OF NEW YORK

8754

## IN SENATE

May 10, 2018

Introduced by Sen. SEPULVEDA -- 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-x to  
2 read as follows:

3 § 9-x. 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) "banking institution" shall have the same meaning as in paragraph  
11 (b) of subdivision three of section nine-f of this chapter.

12 (c) "superintendent" shall mean the superintendent of the department  
13 of financial services.

14 2. The superintendent, in consultation with the director of the office  
15 for the aging, the attorney general, representatives of the financial  
16 services industry, law enforcement, senior groups, disability groups,  
17 and district attorneys, shall develop guidelines relating to reporting  
18 suspected financial exploitation. Such guidelines shall include, but not  
19 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

26 (e) the applicable laws, rules and regulations that must be followed  
27 while reporting suspected financial abuse.

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

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1 3. The superintendent, in consultation with the director of the office  
2 for the aging, the attorney general, representatives of the financial  
3 services industry, law enforcement, senior groups, disability groups and  
4 district attorneys, shall develop (i) training for bank employees  
5 concerning the guidelines developed pursuant to subdivision two of this  
6 section that shall include disability literacy training; and (ii) a  
7 brochure educating bank customers regarding the reporting of financial  
8 exploitation and how to report that they are being exploited.

9 4. A banking institution located or doing business in this state or an  
10 employee thereof who, acting reasonably and in good faith in accordance  
11 with these guidelines, reports suspected financial abuse shall have  
12 immunity from any civil liability that might otherwise result by reason  
13 of such actions.

14 5. The superintendent is directed to promulgate any rules or regu-  
15 lations necessary to carry out the provisions of this section.

16 § 2. This act shall take effect on the ninetieth day after it shall  
17 have become a law.