RN1521815 **AP 5**

**INTRODUCED BY SENIOR ASSEMBLY MEMBER MOLNAR**

 Legislative Counsel’s Digest

AP 5: FINANCIAL ELDER ABUSE: MONEY TRANSMITTERS.

EXISTING LAW, KNOWN AS THE ELDER ABUSE AND DEPENDENT ADULT CIVIL PROTECTION ACT, REQUIRES MANDATED REPORTERS OF SUSPECTED FINANCIAL ABUSE OF AN ELDER OR DEPENDENT ADULT, DEFINED TO INCLUDE OFFICERS AND EMPLOYEES OF SPECIFIED FINANCIAL INSTITUTIONS, TO REPORT THE KNOWN OR SUSPECTED INSTANCE OF FINANCIAL ABUSE OF AN ELDER OR DEPENDENT ADULT IMMEDIATELY, OR AS SOON AS PRACTICABLY POSSIBLE, TO THE LOCAL ADULT PROTECTIVE SERVICES AGENCY OR THE LOCAL LAW ENFORCEMENT AGENCY, WITH CERTAIN REQUIREMENTS. EXISTING LAW REQUIRES A CIVIL PENALTY TO BE IMPOSED FOR FAILURE TO REPORT FINANCIAL ABUSE OF AN ELDER OR DEPENDENT ADULT. EXISTING LAW, THE MONEY TRANSMISSION ACT, PROVIDES FOR THE LICENSURE AND REGULATION OF CERTAIN PERSONS ENGAGED IN THE BUSINESS OF MONEY TRANSMISSION.

THIS MEASURE WOULD MEMORIALIZE THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION TO INCLUDE LICENSEES IN THE DEFINITION OF MANDATED REPORTERS OF SUSPECTED FINANCIAL ABUSE OF AN ELDER OR DEPENDENT ADULT, THEREBY REQUIRING THOSE LICENSEES TO REPORT THE KNOWN OR SUSPECTED INSTANCE OF FINANCIAL ABUSE OF AN ELDER OR DEPENDENT ADULT IMMEDIATELY, OR AS SOON AS PRACTICABLY POSSIBLE, TO THE LOCAL ADULT PROTECTIVE SERVICES AGENCY OR THE LOCAL LAW ENFORCEMENT AGENCY.

THIS MEASURE WOULD ALSO MEMORIALIZE THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION THAT WOULD PROVIDE FOR PENALTIES THAT ARE PROPORTIONAL TO THE EGREGIOUSNESS OF FINANCIAL ELDER ABUSE.

VOTE: MAJORITY.

AP 5: RELATING TO FINANCIAL ELDER ABUSE

WHEREAS, MANY SCAMS TARGETING ELDERS INVARIABLY INVOLVE TRANSFERRING MONEY THROUGH BUSINESSES ENGAGED IN WIRE SERVICES, MONEY TRANSFER SERVICES, AND PRE-PAID CREDIT OR DEBIT CARD SERVICES, BECAUSE THESE SERVICES PERPETUATE FRAUD AGAINST ELDERS, AND ENACTING PROVISIONS TO REQUIRE THOSE BUSINESSES TO REPORT SUSPECTED FINANCIAL ABUSE OF ELDERS WOULD HELP PROTECT AGAINST THESE SCAMS; AND

WHEREAS, THESE SCAMS PERPETRATED AGAINST CITIZENS OF THE UNITED STATES RESULT IN THE LOSS OF BILLIONS, NOT MILLIONS, OF DOLLARS ANNUALLY, WITH SCAMS INCREASINGLY ORIGINATING FROM OTHER COUNTRIES, INCLUDING CANADA, NIGERIA, AND ENGLAND; AND

WHEREAS, THESE SCAMS INVOLVE TRANSFERRING FUNDS THROUGH A WIRE SERVICE OR MONEY TRANSFER SERVICE, AND ONCE THE FUNDS ARE TRANSFERRED THEY ARE LOST FOREVER. IT IS INCREASINGLY DIFFICULT TO REIMBURSE VICTIMS, AND THERE IS NO PENALTY SCHEME THAT IS PROPORTIONAL TO THE EGREGIOUSNESS OF THE ABUSE; AND

WHEREAS, IN CALIFORNIA, THE STATE WITH THE LARGEST POPULATION OF OLDER AMERICANS, THE UNITED STATES CENSUS BUREAU PROJECTS THAT THE ELDERLY POPULATION WILL INCREASE FROM 3.7 MILLION TO 6.4 MILLION WITHIN THE NEXT 20 YEARS AND THESE PROJECTIONS, COUPLED WITH THE BABY BOOMERS’ WEALTH CONCENTRATION, FORMS THE BASIS FOR SIGNIFICANT POTENTIAL FINANCIAL ELDER ABUSE; AND

WHEREAS, THE ELDER ABUSE AND DEPENDENT ADULT CIVIL PROTECTION ACT, CHAPTER 11 (COMMENCING WITH SECTION 15600) OF PART 3 OF DIVISION 9 OF THE WELFARE AND INSTITUTIONS CODE, REQUIRES MANDATED REPORTERS OF SUSPECTED FINANCIAL ABUSE OF AN ELDER OR DEPENDENT ADULT, AS DEFINED, TO REPORT THE KNOWN OR SUSPECTED INSTANCE OF FINANCIAL ABUSE OF AN ELDER OR DEPENDENT ADULT IMMEDIATELY, OR AS SOON AS PRACTICABLY POSSIBLE, TO THE LOCAL ADULT PROTECTIVE SERVICES AGENCY OR THE LOCAL LAW ENFORCEMENT AGENCY; NOW, THEREFORE, BE IT

RESOLVED, BY THE SENIOR ASSEMBLY AND THE SENIOR SENATE, JOINTLY, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA AT ITS 2015 REGULAR SESSION, A MAJORITY OF THE MEMBERS VOTING THEREFOR, HEREBY PROPOSES THAT THE ELDER ABUSE AND DEPENDENT ADULT CIVIL PROTECTION ACT BE AMENDED TO INCLUDE LICENSEES UNDER THE MONEY TRANSMISSION ACT IN THE DEFINITION OF MANDATED REPORTERS OF SUSPECTED FINANCIAL ABUSE OF AN ELDER OR DEPENDENT ADULT SET FORTH IN SECTION 15630.1 OF THE WELFARE AND INSTITUTIONS CODE AND TO IMPOSE PENALTIES OR A RANGE OF PENALTIES THAT ARE PROPORTIONAL TO THE EGREGIOUSNESS OF FINANCIAL ELDER ABUSE, AS ENFORCED BY THE ATTORNEY GENERAL, DISTRICT ATTORNEY, OR COUNTY COUNSEL; AND BE IT FURTHER

RESOLVED, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA RESPECTFULLY MEMORIALIZES THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA TO ENACT APPROPRIATE LEGISLATION THAT WOULD ADDRESS THE CONCERNS SET FORTH IN THIS MEASURE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS MEASURE BE TRANSMITTED TO THE SPEAKER OF THE ASSEMBLY, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE GOVERNOR OF THE STATE OF CALIFORNIA.