

SENATE BILL 407

I3, P1, B1

0lr1278

By: **Senators Kramer, Carter, Feldman, Hayes, Klausmeier, Rosapepe, and Young**
Introduced and read first time: January 27, 2020
Assigned to: Judicial Proceedings and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Attorney General – Senior and Vulnerable Adult Asset Recovery**
3 **Unit**

4 FOR the purpose of establishing the Senior and Vulnerable Adult Asset Recovery Unit in
5 the Office of the Attorney General; establishing the purpose of the Unit; authorizing
6 the Unit to bring civil actions for damages under certain provisions of law against a
7 person who commits certain crimes against vulnerable adults and seniors; providing
8 that a certain conviction is not required for maintenance of an action under a certain
9 provision of this Act; requiring the Governor, beginning in a certain fiscal year, to
10 include a certain amount in the State budget to carry out this Act; requiring the Unit,
11 at the direction of the Attorney General, to use the funds for certain purposes;
12 defining a certain term; and generally relating to the Senior and Vulnerable Adult
13 Asset Recovery Unit.

14 BY repealing and reenacting, without amendments,
15 Article – Commercial Law
16 Section 13–204(a)(15)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2019 Supplement)

19 BY adding to
20 Article – Commercial Law
21 Section 14–4201 through 14–4204 to be under the new subtitle “Subtitle 42. Senior
22 and Vulnerable Adult Asset Recovery Unit”
23 Annotated Code of Maryland
24 (2013 Replacement Volume and 2019 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article – Corporations and Associations
27 Section 11–209(a)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2014 Replacement Volume and 2019 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – Criminal Law
4 Section 8–801(b)
5 Annotated Code of Maryland
6 (2012 Replacement Volume and 2019 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That the Laws of Maryland read as follows:

9 **Article – Commercial Law**

10 13–204.

11 (a) In addition to any other of its powers and duties, the Division has the powers
12 and duties to:

13 (15) (i) Bring a civil action for damages against a person who violates §
14 8–801 of the Criminal Law Article on behalf of a victim of the offense or, if the victim is
15 deceased, the victim’s estate;

16 (ii) Recover damages under this item for property loss or damage;
17 and

18 (iii) If the Division prevails in an action brought under this item,
19 recover the costs of the action for the use of the Office of the Attorney General.

20 **SUBTITLE 42. SENIOR AND VULNERABLE ADULT ASSET RECOVERY UNIT.**

21 14–4201.

22 **IN THIS SUBTITLE, “UNIT” MEANS THE SENIOR AND VULNERABLE ADULT**
23 **ASSET RECOVERY UNIT.**

24 14–4202.

25 **THERE IS A SENIOR AND VULNERABLE ADULT ASSET RECOVERY UNIT IN THE**
26 **OFFICE OF THE ATTORNEY GENERAL.**

27 14–4203.

28 **(A) THE PURPOSE OF THE UNIT IS TO PROTECT SENIORS AND VULNERABLE**
29 **ADULTS FROM FINANCIAL CRIMES UNDER § 8–801 OF THE CRIMINAL LAW ARTICLE.**

30 **(B) THE UNIT MAY BRING A CIVIL ACTION UNDER § 13–204(A)(15) OF THIS**

1 ARTICLE OR § 11-209(A) OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE FOR
2 DAMAGES AGAINST A PERSON WHO VIOLATES § 8-801 OF THE CRIMINAL LAW
3 ARTICLE.

4 (C) A CONVICTION FOR AN OFFENSE UNDER § 8-801 OF THE CRIMINAL LAW
5 ARTICLE IS NOT A PREREQUISITE FOR MAINTENANCE OF AN ACTION UNDER
6 SUBSECTION (B) OF THIS SECTION.

7 14-4204.

8 (A) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE
9 GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AT LEAST \$250,000 TO CARRY
10 OUT THIS SUBTITLE.

11 (B) AT THE DIRECTION OF THE ATTORNEY GENERAL, THE UNIT SHALL USE
12 THE FUNDS INCLUDED IN THE STATE BUDGET UNDER SUBSECTION (A) OF THIS
13 SECTION TO:

14 (1) HIRE NEW STAFF FOR THE UNIT; AND

15 (2) INVESTIGATE AND ASSIST PROSECUTION BY THE UNIT.

16 **Article – Corporations and Associations**

17 11-209.

18 (a) The Commissioner may:

19 (1) Bring a civil action for damages against a person that violates § 8-801
20 of the Criminal Law Article on behalf of a victim of the violation or, if the victim is deceased,
21 the victim's estate;

22 (2) Recover damages under this subsection for property loss or damage;
23 and

24 (3) If the Commissioner prevails in an action brought under this
25 subsection, recover the costs of the action for the use of the Office of the Attorney General.

26 **Article – Criminal Law**

27 8-801.

28 (b) (1) A person may not knowingly and willfully obtain by deception,
29 intimidation, or undue influence the property of an individual that the person knows or
30 reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult

1 of the vulnerable adult's property.

2 (2) A person may not knowingly and willfully obtain by deception,
3 intimidation, or undue influence the property of an individual that the person knows or
4 reasonably should know is at least 68 years old, with intent to deprive the individual of the
5 individual's property.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2020.