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HB 347 Criminal Law-Exploitation of Vulnerable Adult or Elderly Individual – Undue Influence
SUPPORT
House Judiciary Committee
January 14th, 2021

Good Afternoon Chairman Clippinger and Members of the House Judiciary Committee. I am Tammy Bresnahan, Director of Advocacy for AARP MD. As you know, AARP Maryland is one of the largest membership-based organizations in the Free State, encompassing almost 850,000 members. **AARP MD supports HB 347 Criminal Law-Exploitation of Vulnerable Adult or Elderly Individual – Undue Influence.** We thank Delegate Shetty for introducing this legislation.

AARP is a nonpartisan, nonprofit, nationwide organization that helps people turn their goals and dreams into real possibilities, strengthens communities and fights for the issues that matter most to families such as healthcare, employment and income security, retirement planning, affordable utilities and protection from financial abuse.

HB 347 redefines “undue influence” as it pertains to the prohibition on the exploitation of a vulnerable adult or an elderly individual and adds factors the court must consider when determining whether property was obtained by undue influence. The bill applies prospectively and may not be applied or interpreted to have any effect on or application to any civil action or proceeding to determine a benefit from the estate, insurance proceeds, or property of a victim that is pending before the bill’s October 1, 2021 effective date.

Every year, abuse and exploitation rob older Americans of \$3 billion — and this is only the amount reported. When criminals take advantage of older persons by forging a signature or coercing them to sign a will, the impact goes far beyond the pocketbook and affects the physical and emotional health of the victims. Those who perpetrate these crimes can be a stranger, such as an in home aide who comes into the home to assist with daily living activities, or they can be someone in a position of trust, such as a family member.

For the 40 million family caregivers who provide a labor of love by helping their parents and spouses live independently at home, the threat of elder abuse is daunting. While some family caregivers provide 24/7 care — assisting with finances, transportation, medication management and more — others may count on the support of paid aides to help. Entrusting

Real Possibilities

the care of a loved one to a stranger can be hard enough; imagine the nightmare if that person is a criminal.

AARP has a long history of fighting for protections against elder financial exploitation and has been on the forefront of advocacy in support of federal and state laws and regulations that prevent this type of abuse.

AARP believes that States should enact and enforce laws that:

- Make it a criminal offense, with enhanced penalties, to abuse, neglect, or exploit a vulnerable individual; and
- Provide victims and their legal representatives adequate civil procedures and remedies (including a shift in the burden of proof, the awarding of attorneys' fees and costs, the awarding of treble damages).

AARP supports HB 347 and respectfully requests the House Judiciary Committee issue a favorable report. For questions please contact Tammy Bresnahan at tbresnahan@aarp.org or by calling 410-302-8451.