



CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

March 4, 2025

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

The Honorable Brian J. Feldman
Chair, Senate Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

*Re: Senate Bill 466 - Vulnerable and Senior Adults - Theft of Property by Caregiver,
Family Member, or Household Member - Prohibition*

Dear Chairs Smith and Feldman:

The Office of the Attorney General (OAG) writes to reiterate the importance of passing **Senate Bill 466 - Vulnerable and Senior Adults - Theft of Property by Caregiver, Family Member, or Household Member – Prohibition** as written with our proposed amendments.

Maryland Criminal Law § 8-801 criminalizes the exploitation of vulnerable adults and those over 68 years of age. In its current form, it applies only to theft by “deception, intimidation, or undue influence.” Senate Bill 466 would protect our state’s vulnerable populations from being victimized by those entrusted with their care by expanding § 8-801 to include *any* theft from a vulnerable adult by a care provider even if no “deception, intimidation, or undue influence” was used. The purpose of this change is to recognize and protect the special trust relationship that exists between a vulnerable adult and their care providers. A violation of this relationship ought to be prohibited regardless of the methods used to commit the underlying crime.

The Honorable William C. Smith, Jr.
The Honorable Brian J. Feldman
Re: Senate Bill 466
March 4, 2025
Page 2

Central to the goals of SB 466 is the existing language of § 8-801(d),¹ which recognizes financial exploitation of a vulnerable adult as a *separate offense* from the crime of theft. In other words, a person who steals from a vulnerable adult in their care can be convicted of two crimes and the sentence imposed for exploitation under § 8-801 can be consecutive or concurrent to the sentence imposed for theft under Maryland Criminal Law § 7-104. This is commonly referred to as “stacking.” The General Assembly included stacking in § 8-801 by design to punish and deter the crime of theft while permitting additional punishment due to the age and vulnerability of the victim. Removing or altering the language of 8-801(d) would render SB 466 ineffective. It would recognize two crimes while requiring the State to choose only one for prosecution. The choice to leave 8-801(d) undisturbed is the difference between recognizing the rights of vulnerable individuals and actively protecting them. We would urge a favorable report on SB 466 without further amendment to the existing law.

¹ “A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.”

Proposed Amendments

OAG proposes the following amendments that would achieve the goals discussed above. The nature of financial crimes against vulnerable adults, even those without deception, is exploitive. It preys on obligatory trust and the powerlessness of the victim. Such a crime is rightfully included within the Fraud and Related Crimes title. As written, **Senate Bill 466** creates a new crime under the Theft title rather than altering the existing § 8-801 of the Criminal Law Article. This is problematic. First, a new crime under the theft statute will “merge” for sentencing, obviating the bill’s purpose of separately punishing a perpetrator’s theft and their violation of a trust relationship with a vulnerable adult. As a result, prosecuting authorities will be left in the same position as they are at present, only able to charge theft in cases such as those described above. With amendments, prosecutors may charge both theft and Financial Crimes Against Vulnerable Adults and obtain separate sentences for both.

Moreover, while the federal exclusion authorities recognize theft in the context of healthcare as an excludable offense, a simple theft conviction does not adequately communicate that. A crime that requires the elements of (1) a care provider relationship; and (2) an exploitation of a patient’s trust is a much cleaner route to exclusion because it mirrors the requirements for exclusion. Relatedly, future employers who run background checks will be better warned of the nature of a candidate’s crimes when there is an exploitation-related conviction rather than a simple theft conviction.

Finally, by leaving the language of § 8-801 intact and simply adding language that removes the requirement of active deceit in the healthcare context, no other powers provided in other statutes relative to § 8-801 will be affected.

[STRIKE BILL IN ITS ENTIRETY AND REPLACE WITH]

Criminal Law - Financial Exploitation of a Vulnerable Adult

By repealing and reenacting, with amendments,
Article – Criminal Law
Section 8-801
Annotated Code of Maryland
(2021 Replacement Volume and 2025 Supplement)

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

Article – Criminal Law

8–801.

(a) (1) In this section the following words have the meanings indicated.

(2) “CAREGIVER” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.

[(2)] (3) “Deception” has the meaning stated in § 7–101 of this article.

[(3)] (4) “Deprive” has the meaning stated in § 7–101 of this article.

(5) “Family member” has the meaning stated in **§ 3-604 OF THIS ARTICLE.**

(6) “HOUSEHOLD MEMBER” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.

[(4)] (7) “Obtain” has the meaning stated in § 7–101 of this article.

[(5)] (8) “Property” has the meaning stated in § 7–101 of this article.

[(6)] (9) (i) “Undue influence” means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult or an individual at least 68 years old was prevented from exercising free judgment and choice.

(ii) “Undue influence” does not include the normal influence that one member of a family has over another member of the family.

[(7)] (8) “Value” has the meaning stated in § 7–103 of this article.

[(8)] (9) “Vulnerable adult” has the meaning stated in § 3–604 of this article.

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

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

(3) A PERSON WHO IS A CAREGIVER TO OR A FAMILY MEMBER OR HOUSEHOLD MEMBER OF AN INDIVIDUAL MAY NOT KNOWINGLY AND WILLFULLY OBTAIN THE PROPERTY OF THE INDIVIDUAL WITH INTENT TO DEPRIVE THE INDIVIDUAL OF THE INDIVIDUAL’S PROPERTY IF:

The Honorable William C. Smith, Jr.
The Honorable Brian J. Feldman
Re: Senate Bill 466
March 4, 2025
Page 5

(I) THE INDIVIDUAL IS A VULNERABLE ADULT OR AN INDIVIDUAL WHO IS AT LEAST 68 YEARS OF AGE; AND

(II) THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT THE INDIVIDUAL IS A VULNERABLE ADULT OR IS AT LEAST 68 YEARS OLD

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.