

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 736
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike the second "a" and substitute "an adult"; in line 6, after "the" insert "fiduciary"; in line 7, after "circumstances;" insert "providing that a report filed under this Act shall be deemed to protect against or prevent certain illegal or unauthorized actions or other liability; specifying certain restrictions on certain information included in a report filed under this Act; providing that a fiduciary institution or an officer, employee, agent, or director of a fiduciary institution may decline to provide certain information about a report authorized under this Act under certain circumstances;"; in line 8, after "against" insert ", and there shall be certain immunity for,"; and in line 10, after "circumstances;" insert "providing that this Act does not create a certain duty on the part of a fiduciary institution or an officer, employee, agent, or director of a fiduciary institution; defining certain terms;".

AMENDMENT NO. 2

On page 1, after line 21 insert:

"(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FINANCIAL EXPLOITATION" MEANS ANY ACTION WHICH INVOLVES THE MISUSE OF AN ADULT CUSTOMER'S FUNDS OR PROPERTY.

(3) "REPORT" MEANS AN ORAL OR WRITTEN REPORT CONCERNING FINANCIAL EXPLOITATION WHICH MAY INCLUDE ALL OR PART OF THE INFORMATION DESCRIBED IN § 14-302(D) OF THE FAMILY LAW ARTICLE."

and in line 22, strike "(A)" and substitute "(B)".

(Over)

AMENDMENT NO. 3

On page 1, in line 24, after "RECORDS" insert "AND ANY OTHER INFORMATION"; in the same line, strike "A" and substitute "AN ADULT"; in line 25, after the first "THE" insert "FIDUCIARY"; in line 27, strike "HAS REASON TO BELIEVE" and substitute "BELIEVES"; in the same line, after "THE" insert "ADULT"; and in line 28, after "TO" insert "FINANCIAL".

On page 2, in line 1, after "DISCLOSURE" insert "IN A REPORT"; strike beginning with the second "IN" in line 2 down through "ARTICLE" in line 3; and after line 3, insert:

"(C) (1) A REPORT FILED UNDER THIS SECTION BY A FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A FIDUCIARY INSTITUTION SHALL BE DEEMED TO PROTECT AGAINST OR PREVENT ACTUAL OR POTENTIAL FRAUD, UNAUTHORIZED TRANSACTIONS, OR OTHER LIABILITY.

(2) A REPORT FILED UNDER THIS SECTION BY A FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A FIDUCIARY INSTITUTION:

(I) MAY NOT INCLUDE THE ADULT CUSTOMER'S SOCIAL SECURITY NUMBER, ACCOUNT NUMBER, OR ACCOUNT BALANCE; AND

(II) SHALL INCLUDE ONLY INFORMATION THAT IS PERTINENT TO AND SERVES TO SUBSTANTIATE THE REPORT.

(D) A FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A FIDUCIARY INSTITUTION MAY DECLINE TO PROVIDE TO ANY PERSON INFORMATION THAT WOULD DISCLOSE OR INDICATE WHETHER A REPORT HAS OR HAS NOT BEEN FILED UNDER THIS SECTION."

AMENDMENT NO. 4

On page 2, in line 4, strike "(B)" and substitute "(E)"; in line 5, after "AGAINST" insert "AND THERE SHALL BE IMMUNITY FROM ANY CIVIL AND CRIMINAL LIABILITY THAT WOULD OTHERWISE RESULT FOR,"; in line 9, strike "SUBSECTION (A) OF"; in the same line, strike "OR"; in line 11, strike "§ 14-302(C) OF THE FAMILY LAW ARTICLE" and substitute "THIS SECTION; OR

(3) DECLINING TO PROVIDE INFORMATION AS DESCRIBED IN SUBSECTION (D) OF THIS SECTION”;

in line 12, strike “(C)” and substitute “(F)”; and in line 16, strike “§ 14-302(C) OF THE FAMILY LAW ARTICLE” and substitute “THIS SECTION”.