

HOUSE BILL 1270

O2, O1

9lr1681

By: **Delegate Hettleman**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Elder Abuse Victims Resources Committee**

3 FOR the purpose of establishing the Maryland Elder Abuse Victims Resources Committee;
4 declaring the policy of the General Assembly; providing for the composition, chair,
5 officers, and staffing for the Committee; providing for the terms, vacancies, and
6 removal of members of the Committee; establishing quorum and meeting
7 requirements for the Committee; prohibiting a member of the Committee from
8 receiving certain compensation, but authorizing the reimbursement of certain
9 expenses; requiring certain written materials used by the Committee to be provided
10 in the preferred language of the members of the Committee, as necessary; providing
11 for the availability of certain training or educational opportunities for certain
12 members of the Committee; providing for the purpose of the Committee; establishing
13 the duties of the Committee; authorizing the Committee to adopt certain rules
14 governing the Committee; authorizing the Secretary of Human Services to adopt
15 certain regulations under certain circumstances; requiring the Governor to include
16 an appropriation in the State budget for certain purposes, beginning in a certain
17 fiscal year; requiring the Committee to submit a certain report to the Governor and
18 the General Assembly on or before a certain date each year; providing for the
19 termination of the terms of certain members of the Committee in certain years;
20 defining certain terms; and generally relating to the Maryland Elder Abuse Victims
21 Resources Committee.

22 BY adding to

23 Article – Human Services

24 Section 10–1201 through 10–1207 to be under the new subtitle “Subtitle 12.
25 Maryland Elder Abuse Victims Resources Committee”

26 Annotated Code of Maryland

27 (2007 Volume and 2018 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Human Services

SUBTITLE 12. MARYLAND ELDER ABUSE VICTIMS RESOURCES COMMITTEE.

10–1201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMITTEE” MEANS THE MARYLAND ELDER ABUSE VICTIMS RESOURCES COMMITTEE.

(C) “ELDER ABUSE” MEANS A SINGLE OR REPEATED INTENTIONAL OR NEGLIGENT ACT, OR FAILURE TO ACT, THAT CAUSES HARM OR A RISK OF HARM TO AN INDIVIDUAL WHO IS AT LEAST 50 YEARS OLD BY A FAMILY MEMBER, A CAREGIVER, OR ANY OTHER INDIVIDUAL WITH WHOM THERE IS AN EXPECTATION OF TRUST.

(D) “HARM” MEANS:

(1) PHYSICAL INJURY;

(2) SERIOUS EMOTIONAL DISTRESS; OR

(3) ECONOMIC DAMAGES.

10–1202.

(A) IN ORDER TO PROMOTE THE HEALTH AND INDEPENDENCE OF, AND PROVIDE JUSTICE FOR, OLDER ADULTS, THE GENERAL ASSEMBLY FINDS THAT THERE NEEDS TO BE A COORDINATED COMMUNITY ELDER ABUSE RESPONSE SYSTEM.

(B) A COORDINATED COMMUNITY ELDER ABUSE RESPONSE SYSTEM WILL:

(1) ASSESS NEEDS TO IDENTIFY THE SCOPE OF PROBLEMS AND SERVICE GAPS;

(2) RECOMMEND UNIFORM RESPONSE RESOURCES FOR ALL JURISDICTIONS IN THE STATE;

(3) IDENTIFY UNDERSERVED ELDER ABUSE VICTIMS WHO DO NOT

1 LACK CAPACITY BUT NEED PROTECTION AND HELP;

2 (4) ASSESS, COMPILE, AND ANALYZE DATA ON THE FINANCIAL COST
3 OF VICTIMIZED OLDER ADULTS TO THE CITIZENS AND GOVERNMENT OF THE STATE;
4 AND

5 (5) LOOK TO ESTABLISH A SINGLE VOICE THAT PROTECTS AND
6 CHAMPIONS THE RIGHTS OF OLDER ADULTS IN THE STATE THROUGH AN ELDER
7 JUSTICE COORDINATOR.

8 10-1203.

9 (A) THERE IS A MARYLAND ELDER ABUSE VICTIMS RESOURCES
10 COMMITTEE.

11 (B) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

12 (1) ONE MEMBER OF THE SENATE WHO IS ASSIGNED TO THE BUDGET
13 AND TAXATION COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

14 (2) ONE MEMBER OF THE SENATE WHO IS ASSIGNED TO THE JUDICIAL
15 PROCEEDINGS COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

16 (3) ONE MEMBER OF THE HOUSE OF DELEGATES WHO IS ASSIGNED
17 TO THE APPROPRIATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE
18 HOUSE;

19 (4) ONE MEMBER OF THE HOUSE OF DELEGATES WHO IS ASSIGNED
20 TO THE JUDICIARY COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE;

21 (5) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S
22 DESIGNEE;

23 (6) THE SECRETARY OF HUMAN SERVICES, OR A DESIGNEE OF THE
24 SECRETARY WHO HAS EXPERTISE IN THE ISSUE OF ELDER ABUSE;

25 (7) THE SECRETARY OF AGING, OR A DESIGNEE OF THE SECRETARY
26 WHO HAS EXPERTISE IN THE ISSUE OF ELDER ABUSE;

27 (8) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S
28 DESIGNEE;

29 (9) ONE REPRESENTATIVE FROM LAW ENFORCEMENT, APPOINTED BY

1 THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND
2 PREVENTION; AND

3 (10) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

4 (I) ONE REPRESENTATIVE OF THE MARYLAND STATE'S
5 ATTORNEYS' ASSOCIATION;

6 (II) ONE REPRESENTATIVE OF THE MARYLAND CHIEFS OF
7 POLICE ASSOCIATION; AND

8 (III) ONE REPRESENTATIVE OF A LEGAL SERVICES PROGRAM
9 WHO WORKS DIRECTLY WITH ELDERLY INDIVIDUALS.

10 (C) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

11 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
12 REQUIRED BY THE TERMS PROVIDED FOR THE APPOINTED MEMBERS OF THE
13 COMMITTEE ON OCTOBER 1, 2019.

14 (3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO
15 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

16 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
17 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
18 QUALIFIES.

19 (5) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN TWO
20 CONSECUTIVE FULL TERMS.

21 (6) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY
22 VACANCY ON THE COMMITTEE WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY.

23 (D) (1) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR
24 INCOMPETENCE, MISCONDUCT, INCAPACITY, OR NEGLECT OF DUTY.

25 (2) ON THE RECOMMENDATION OF THE SECRETARY, THE GOVERNOR
26 MAY REMOVE AN APPOINTED MEMBER WHOM THE SECRETARY FINDS TO HAVE BEEN
27 ABSENT FROM TWO SUCCESSIVE COMMITTEE MEETINGS WITHOUT ADEQUATE
28 REASON.

29 10-1204.

1 (A) (1) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S
2 DESIGNEE, SHALL CHAIR THE COMMITTEE.

3 (2) (I) THE COMMITTEE SHALL ELECT A VICE CHAIR AND A
4 SECRETARY FROM AMONG ITS APPOINTED MEMBERS EACH YEAR.

5 (II) THE COMMITTEE SHALL DETERMINE:

6 1. THE MANNER OF ELECTION OF THE VICE CHAIR AND
7 THE SECRETARY; AND

8 2. THE DUTIES OF EACH OFFICER.

9 (B) A MAJORITY OF THE FULLY AUTHORIZED MEMBERSHIP OF THE
10 COMMITTEE IS A QUORUM.

11 (C) THE COMMITTEE SHALL MEET AT LEAST ONE TIME EACH QUARTER, AT
12 THE TIMES AND PLACES THAT THE COMMITTEE DETERMINES.

13 (D) A MEMBER OF THE COMMITTEE:

14 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
15 COMMITTEE; BUT

16 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
17 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

18 (E) THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE STAFF
19 SUPPORT AND TECHNICAL ASSISTANCE FOR THE COMMITTEE.

20 (F) (1) WRITTEN MATERIALS USED TO CONDUCT THE BUSINESS OF THE
21 COMMITTEE SHALL BE PROVIDED IN THE PREFERRED LANGUAGE OF THE
22 COMMITTEE MEMBERS, AS NECESSARY.

23 (2) TRAINING OR EDUCATIONAL OPPORTUNITIES SHALL BE MADE
24 AVAILABLE TO COMMITTEE MEMBERS ON THE FORMAL AND INFORMAL PROCESSES
25 THAT WILL BE USED TO CONDUCT THE BUSINESS OF THE COMMITTEE.

26 10-1205.

27 (A) THE PURPOSE OF THE COMMITTEE IS TO:

28 (1) DETERMINE WAYS TO INCREASE THE AVAILABILITY OF

1 RESOURCES FOR OLDER ADULTS WHO DO NOT LACK CAPACITY AND ARE INELIGIBLE
2 TO BE SERVED BY ADULT PROTECTIVE SERVICES;

3 (2) ESTABLISH A CONTINUING REPORT ON THE STATUS OF OLDER
4 ADULTS IN THE STATE, INCLUDING THE COSTS OF VICTIMIZATION AND THE
5 CALCULATION OF THE EFFICACY OF RESOURCES USED TO PREVENT AND MITIGATE
6 ELDER ABUSE; AND

7 (3) ESTABLISH EFFECTIVE STATEWIDE POLICIES TO PREVENT ELDER
8 ABUSE.

9 (B) THE COMMITTEE SHALL ADVISE THE DEPARTMENT OF HUMAN
10 SERVICES ON DEVELOPING AND DISSEMINATING INFORMATION ON BEST
11 PRACTICES FOR AND INFORMATION AND RECOMMENDATIONS ON:

12 (1) IDENTIFYING ELDER ABUSE;

13 (2) PROVIDING TRAUMA-INFORMED SERVICES TO ELDER ABUSE
14 VICTIMS;

15 (3) ADDRESSING ELDER ABUSE THROUGH MULTIDISCIPLINARY
16 APPROACHES;

17 (4) EDUCATING THE PUBLIC AND SERVICE PROVIDERS ABOUT ELDER
18 ABUSE;

19 (5) PREVENTING ELDER ABUSE; AND

20 (6) COORDINATING AMONG STATE AGENCIES, VICTIM SERVICE
21 PROVIDERS, LOCAL LAW ENFORCEMENT AGENCIES, AND LOCAL ELDER ABUSE
22 TEAMS.

23 (C) THE COMMITTEE SHALL EVALUATE STATE AND LOCAL FUNDING
24 RESOURCES AND NEEDS TO DETERMINE WHETHER FUNDING ALLOCATIONS ARE
25 SUFFICIENT AND APPROPRIATE TO IMPLEMENT THE BEST PRACTICES DEVELOPED
26 BY THE DEPARTMENT OF HUMAN SERVICES.

27 (D) THE COMMITTEE MAY ADOPT RULES GOVERNING THE ADMINISTRATION
28 AND PROCEEDINGS OF THE COMMITTEE.

29 (E) THE SECRETARY OF HUMAN SERVICES, AFTER CONSULTATION WITH
30 THE COMMITTEE, MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF
31 THIS SUBTITLE.

1 **10-1206.**

2 **BEGINNING IN FISCAL YEAR 2021, AND EVERY FISCAL YEAR THEREAFTER,**
3 **THE GOVERNOR SHALL INCLUDE AN APPROPRIATION IN THE STATE BUDGET TO**
4 **CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING FUNDS FOR:**

5 **(1) EMPLOYMENT OF A FULL-TIME ASSISTANT ATTORNEY GENERAL**
6 **AND COMMITTEE STAFF; AND**

7 **(2) OPERATION AND MAINTENANCE OF AN OFFICE FOR THE**
8 **COMMITTEE.**

9 **10-1207.**

10 **ON OR BEFORE JANUARY 1, 2020, AND EACH JANUARY 1 THEREAFTER, THE**
11 **COMMITTEE SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
12 **2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON**
13 **THE COMMITTEE'S ACTIVITIES DURING THE PRIOR YEAR.**

14 **SECTION 2. AND BE IT FURTHER ENACTED,** That the terms of the initial
15 appointed members of the Maryland Elder Abuse Victims Resources Committee as
16 established by Section 1 of this Act shall terminate as follows:

- 17 (1) one member in 2022;
- 18 (2) three members in 2023;
- 19 (3) two members in 2024; and
- 20 (4) two members in 2025.

21 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect June
22 1, 2019.