

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 139 (Senator Kellev. *et al.*)

Judicial Proceedings

Powers of Attorney

This bill supplements the existing statutory provisions relating to powers of attorney in the following ways:

- Specifies procedures to be followed in connection with the signing of durable powers of attorney;
- Specifies various disclosures that must be contained in durable powers of attorney;
- Addresses compensation for attorneys in fact;
- Defines “attorney in fact abuse” as the improper or illegal use or management of a power of attorney for the profit or advantage of the attorney in fact or another person;
- Sets forth procedures for the reporting and investigation of attorney in fact abuse;
- Provides immunity for people who make good faith reports of attorney in fact abuse;
- Provides that the knowing failure to report attorney in fact abuse is a misdemeanor punishable by a fine not exceeding \$1,000 for a first offense and \$2,500 for a subsequent offense;
- Provides that the making of a false report of attorney in fact abuse is a misdemeanor, punishable by imprisonment for not more than 30 days, a fine of not more than \$1,000, or both for a first offense, and imprisonment of not more than 90 days, a fine of not more than \$2,500, or both for a second offense; and
- Provides that the commission of attorney in fact abuse is a misdemeanor punishable by imprisonment for not more than five years or a fine of not more than \$5,000, or both.

Fiscal Summary

State Effect: The investigation and criminal penalty provisions of the bill are not expected to significantly affect State finances or operations.

Local Effect: The investigation and criminal penalty provisions of the bill are not expected to significantly affect local finances or operations.

Small Business Effect: None.

Information Source(s): Maryland State's Attorneys' Association, Register of Wills, Department of Legislative Services

Fiscal Note History: First Reader - February 4, 1998

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