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By: **Senator Bromwell**  
Introduced and read first time: February 3, 2000  
Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Fiduciary Institutions - Disclosure of a Customer's Financial Records to**  
3 **Adult Protective Services**

4 FOR the purpose of allowing a fiduciary institution and its officers, employees,  
5 agents, and directors to disclose a customer's financial records to the adult  
6 protective services program within a local department of social services under  
7 certain circumstances; providing certain immunities from liability for a  
8 fiduciary institution and its officers, employees, agents, and directors; clarifying  
9 that this Act does not create a duty to disclose a customer's financial records;  
10 and generally relating to the disclosure of a customer's financial records by a  
11 fiduciary institution.

12 BY adding to  
13 Article - Financial Institutions  
14 Section 1-304.1  
15 Annotated Code of Maryland  
16 (1998 Replacement Volume and 1999 Supplement)

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

19 **Article - Financial Institutions**

20 1-304.1.

21 (A) NOTWITHSTANDING ANY PROVISION OF THIS SUBTITLE OR ANY OTHER  
22 LAW, A FIDUCIARY INSTITUTION AND ITS OFFICERS, EMPLOYEES, AGENTS, AND  
23 DIRECTORS MAY DISCLOSE FINANCIAL RECORDS RELATING TO A CUSTOMER OF THE  
24 FIDUCIARY INSTITUTION IF THE DISCLOSURE IS MADE TO THE ADULT PROTECTIVE  
25 SERVICES PROGRAM WITHIN A LOCAL DEPARTMENT OF SOCIAL SERVICES IN  
26 CONNECTION WITH A REPORT PERMITTED UNDER § 14-302(C) OF THE FAMILY LAW  
27 ARTICLE.

28 (B) A FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR  
29 DIRECTOR OF THE FIDUCIARY INSTITUTION WHO MAKES OR PARTICIPATES IN

1 MAKING A REPORT UNDER § 14-302(C) OF THE FAMILY LAW ARTICLE, OR WHO  
2 PARTICIPATES IN AN INVESTIGATION OR A JUDICIAL PROCEEDING RESULTING FROM  
3 A REPORT MADE UNDER § 14-302(C) OF THE FAMILY LAW ARTICLE, IS IMMUNE FROM  
4 ANY LIABILITY, UNDER THIS SUBTITLE OR ANY OTHER LAW, ARISING FROM MAKING  
5 OR PARTICIPATING IN MAKING THE REPORT OR PARTICIPATING IN THE  
6 INVESTIGATION OR JUDICIAL PROCEEDING.

7 (C) THIS SECTION DOES NOT CREATE A DUTY TO MAKE ANY DISCLOSURE OR  
8 REPORT, AND A FIDUCIARY INSTITUTION, ITS OFFICERS, EMPLOYEES, AGENTS, AND  
9 DIRECTORS, ARE IMMUNE FROM ANY LIABILITY, UNDER THIS SUBTITLE OR ANY  
10 OTHER LAW, ARISING FROM THE ABSENCE OF ANY DISCLOSURE OR REPORT  
11 PERMITTED UNDER THIS SECTION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2000.