

SENATE BILL 816

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II

2000 Regular Session
Olr2962
CF HB 736

By: **Senator Bromwell**
Introduced and read first time: February 16, 2000
Assigned to: Rules
Re-referred to: Finance, February 18, 2000

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 27, 2000

CHAPTER _____

1 AN ACT concerning

2 **Fiduciary Institutions - Customer Financial Records - Allowable**
3 **Disclosures**

4 FOR the purpose of allowing a fiduciary institution or an officer, employee, agent, or
5 director of a fiduciary institution to disclose financial records relating to a an
6 adult customer of the fiduciary institution to an adult protective services
7 program under certain circumstances; providing that a report filed under this
8 Act shall be deemed to protect against or prevent certain illegal or unauthorized
9 actions or other liability; providing that a fiduciary institution or an officer,
10 employee, agent, or director of a fiduciary institution may decline to provide
11 certain information about a report authorized under this Act under certain
12 circumstances; providing that there is no liability on the part of and no cause of
13 action shall arise against, and there shall be certain immunity for, a fiduciary
14 institution or an officer, employee, agent, or director of a fiduciary institution for
15 certain actions or omissions involved with certain disclosures and reports under
16 certain circumstances; providing that this Act does not create a certain duty on
17 the part of a fiduciary institution or an officer, employee, agent, or director of a
18 fiduciary institution; defining certain terms; and generally relating to allowable
19 disclosures of customer financial records by fiduciary institutions.

20 BY adding to
21 Article - Financial Institutions
22 Section 1-306
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 1999 Supplement)

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

3 **Article - Financial Institutions**

4 1-306.

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

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

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

12 (A) (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FIDUCIARY
13 INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A FIDUCIARY
14 INSTITUTION MAY DISCLOSE FINANCIAL RECORDS AND ANY OTHER INFORMATION
15 RELATING TO A AN ADULT CUSTOMER OF THE FIDUCIARY INSTITUTION IF THE
16 FIDUCIARY INSTITUTION OR ITS OFFICER, EMPLOYEE, AGENT, OR DIRECTOR:

17 (1) ~~HAS REASON TO BELIEVE~~ BELIEVES THAT THE CUSTOMER HAS BEEN
18 SUBJECTED TO FINANCIAL EXPLOITATION; AND

19 (2) MAKES THE DISCLOSURE IN A REPORT TO THE ADULT PROTECTIVE
20 SERVICES PROGRAM IN A LOCAL DEPARTMENT OF SOCIAL SERVICES ~~IN A REPORT~~
21 ~~FILED UNDER § 14-302(C) OF THE FAMILY LAW ARTICLE.~~

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

26 (2) A FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR
27 DIRECTOR OF A FIDUCIARY INSTITUTION MAY DECLINE TO PROVIDE TO ANY PERSON
28 INFORMATION THAT WOULD DISCLOSE OR INDICATE WHETHER A REPORT HAS OR
29 HAS NOT BEEN MADE UNDER THIS SECTION.

30 (B) (D) THERE SHALL BE NO LIABILITY ON THE PART OF ~~AND~~, NO CAUSE OF
31 ACTION OF ANY NATURE SHALL ARISE AGAINST, AND THERE SHALL BE IMMUNITY
32 FROM ANY CIVIL AND CRIMINAL LIABILITY THAT WOULD OTHERWISE RESULT FOR A
33 FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A
34 FIDUCIARY INSTITUTION FOR AN ACTION OR OMISSION INVOLVED WITH:

35 (1) MAKING OR PARTICIPATING IN MAKING A DISCLOSURE OR REPORT
36 UNDER ~~SUBSECTION (A) OF THIS SECTION; OR~~

1 (2) PARTICIPATING IN AN INVESTIGATION OR A JUDICIAL PROCEEDING
2 RESULTING FROM A REPORT FILED UNDER ~~§ 14-302(C) OF THE FAMILY LAW ARTICLE~~
3 THIS SECTION; OR

4 (3) DECLINING TO PROVIDE INFORMATION AS DESCRIBED IN
5 SUBSECTION (C)(2) OF THIS SECTION.

6 ~~(C)~~ (E) THIS SECTION DOES NOT CREATE AND MAY NOT BE CONSTRUED AS
7 CREATING, ON THE PART OF A FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE,
8 AGENT, OR DIRECTOR OF A FIDUCIARY INSTITUTION, A DUTY TO MAKE A
9 DISCLOSURE TO AN ADULT PROTECTIVE SERVICES PROGRAM OR FILE A REPORT
10 UNDER ~~§ 14-302(C) OF THE FAMILY LAW ARTICLE~~ THIS SECTION.

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