Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 916   (Delegate Mandel, *et al.*)

Judiciary

Crimes - Fraudulent Appropriation - Fiduciary Relationships with Vulnerable Adults and Adults Unable to Live Independently

This bill provides that if a fiduciary engages in exploitation or fraudulently misappropriates any asset that comes into the person's hands as a fiduciary, the person is guilty of embezzlement, and is subject to imprisonment for one to five years. "Exploitation" is defined as any action that involves the misuse of the funds, property, or person of a vulnerable adult or an adult who is unable to live independently. A person who has, shares, or exercises control or authority over the financial assets of a vulnerable adult or an adult who is unable to live independently is presumed to have a fiduciary relationship with the vulnerable adult or adult who is unable to live independently.

Fiscal Summary

State Effect: The bill would not significantly impact governmental operations or finances.

Local Effect: The bill would not significantly impact governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law: A fiduciary who fraudulently misappropriates any asset that comes into the person's hands as a fiduciary is guilty of embezzlement, and is subject to imprisonment for one to five years.

State Fiscal Effect: It is expected that any additional prosecutions that would result from the bill could be handled by the law enforcement, court, prison, and probation systems using existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2000
drg/jr

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