

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 643

(Senator Brochin, *et al.*)

Judicial Proceedings

Judiciary

**Estates - Disqualification of Persons Convicted of Unlawfully Obtaining Property
from Vulnerable Adults**

This bill specifies, in the Estates and Trusts Article of the Annotated Code, that a person convicted of unlawfully obtaining property from a vulnerable adult is disqualified from inheriting, taking, enjoying, receiving, or otherwise benefitting from the estate, insurance proceeds, or property of the vulnerable adult as provided in the Criminal Law Article.

Fiscal Summary

State Effect: None. The bill clarifies current law.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under the Criminal Law Article of the Annotated Code, a person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with the intent to deprive the vulnerable adult of their property. A violator is subject to specified criminal penalties.

The Criminal Law Article specifies that a conviction disqualifies the defendant from inheriting, taking, enjoying, receiving, or otherwise benefitting from the estate, insurance proceeds, or property of the vulnerable adult.

Background: The Estate and Trust Law Section Council of the Maryland State Bar Association indicates that persons dealing with estates of Maryland residents may not be aware that a conviction of unlawfully obtaining property from a vulnerable adult disqualifies a person from benefitting from the estate, insurance proceeds, or property of the vulnerable adult as specified in the Criminal Law Article. The council indicates the bill will help ensure that persons dealing with the estates of Maryland residents are aware of the disqualification.

Additional Information

Prior Introductions: None.

Cross File: HB 398 (Delegate Rosenberg) - Judiciary.

Information Source(s): Register of Wills, Maryland State Bar Association (Estate and Trust Law Section Council), Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2009
ncs/kdm

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