

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1458  
Judiciary

(Delegate Carter, *et al.*)

Judicial Proceedings

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Estates - Disqualification - Conviction for Unlawfully Obtaining Property of  
Vulnerable Adult

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This bill establishes that a person who is convicted of unlawfully obtaining property from a vulnerable adult is disqualified, to the extent of the person's failure to restore the property or its value, from inheriting, taking, enjoying, receiving, or otherwise benefiting from the estate, insurance proceeds, or property of the vulnerable adult, whether by operation of law or pursuant to a legal document executed or entered into by the vulnerable adult before the person was convicted. The person convicted of unlawfully obtaining property from a vulnerable adult has the burden of proof to establish that the person has made complete restitution. The bill only applies prospectively.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** The bill is not expected to materially affect local government operations or finances.

**Small Business Effect:** None.

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Analysis

**Current Law:** 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 his or her property. A violator is subject to specified criminal penalties.

A conviction disqualifies the defendant from inheriting, taking, enjoying, receiving, or otherwise benefiting from the estate, insurance proceeds, or property of the vulnerable adult, whether by operation of law or pursuant to a legal document executed or entered into by the vulnerable adult before the defendant was convicted and made full restoration of the property taken or its value.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Register of Wills, Department of Legislative Services

**Fiscal Note History:** First Reader - March 24, 2009  
mlm/kdm Revised - House Third Reader - April 7, 2009

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