

SB 153 Criminal Law - Abuse or Neglect of a Vulnerable Adult - Causing Severe Emotional Distress
SUPPORT
Senate Judicial Proceedings Committee
January 22, 2020

Good Afternoon Chairman Smith and Members of the Judicial Proceedings Committee. I am Tammy Bresnahan, Director of Advocacy for AARP MD. As you may know, AARP Maryland is one of the largest membership-based organizations in the Free State, encompassing almost 900,000 members.

AARP is a nonpartisan, nonprofit, nationwide organization that helps people turn their goals and dreams into real possibilities, strengthens communities and fights for the issues that matter most to families such as healthcare, employment and income security, retirement planning, affordable utilities and protection from financial abuse.

SB 153 adds “severe emotional distress resulting from a course of conduct by another” to the definition of “abuse” applicable to the prohibitions on abuse or neglect of a vulnerable adult in the first and second degrees. The bill specifies that “abuse” includes deceptive or misleading statements made with a malicious intent to agitate or harm the vulnerable adult; the destruction of or harm to an animal owned by the vulnerable adult; and the malicious distribution, display, or transmission of information identifying and about the vulnerable adult using social media if the distribution, display, or transmission is made without the vulnerable adult’s permission. Lastly, the bill adds the causing of abuse or neglect that causes severe emotional distress to the prohibition against first-degree abuse or neglect of a vulnerable adult.

We are all used to hearing about the terrible abuse of vulnerable adults. How they are the victims of immoral people who cheat them out of their life savings, trick them into giving up their possessions, disregard their physical needs, and even physically or sexually abuse them.

What we haven’t heard so much about is the severe emotional distress vulnerable adults suffer as a result of being emotionally stressed by a mean or malicious caregiver. Yet, that emotional distress can be as bad, or worse, than the more usual and visible abuse we are used to hearing about. Just imagine the pain suffered when a vulnerable person whose only comfort is a warm pet has that pet harmed or destroyed. Just imagine that same person’s emotional distress when someone upon whom he/she relies for physical support says misleading, malicious, hurtful things to which he/she is afraid to offer a response that could lead to more hurtful things being said or even abandonment.

Again, just imagine that person finding embarrassing pictures or hurtful information about themselves splashed all over Facebook. Mental health has become a major topic in today's world. As a society we need to sustain the mental health of our vulnerable adults. The purpose of SB 153 is to do just that – to prevent malicious individuals from pushing defenseless individuals into severe emotional distress that makes difficult lives even more difficult.

AARP believes that States should enact and enforce laws that:

- Make it a criminal offense, with enhanced penalties, to abuse, neglect, or exploit a vulnerable individual; and
- Provide victims and their legal representatives adequate civil procedures and remedies (including a shift in the burden of proof, the awarding of attorneys' fees and costs, the awarding of treble damages).

AARP supports SB 153 and respectfully requests the Judicial Proceedings Committee issue a favorable report. For questions please contact Tammy Bresnahan at tbresnahan@aarp.org.