



St., Baltimore, MD 21201  
800-492-1964  
| tdd 410-539-3186

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**To:** Members of The Senate Judicial Proceedings Committee

**From:** Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

**Date:** March 21, 2022

**Subject:** **HB161 – Criminal Law – Exploitation of Vulnerable Adult or Elderly Individual – Undue Influence**

**Position:** **Support**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB161 – Criminal Law – Exploitation of Vulnerable Adult or Elderly Individual – Undue Influence** as passed by the House.

This bill defines and clarifies the definition of undue influence in the context of exploitation of a vulnerable adult.

Current law makes it a crime to use deception, intimidation and undue influence to secure the property of a vulnerable adult. This bill identifies specific factors that should be considered in evaluating whether undue influence was involved. This includes whether the end result was inequitable.

The exploitation of vulnerable adults is a serious and growing problem. The current law suffers from a lack of definition, which this bill addresses. This would be beneficial to all parties and avoid undue surprise or conflict.

For the reasons stated, we **Support HB161 – Criminal Law – Exploitation of Vulnerable Adult or Elderly Individual – Undue Influence**.

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@verizon.net](mailto:doyleniemann@verizon.net).