

CHANA Testimony SB 170- Benefits Exploitation - 1.

Uploaded by: Alicia Bickoff

Position: FAV



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BILL NO: SB 170

TITLE: Criminal Law -Benefits Exploitation

COMMITTEE: Judicial Proceedings

HEARING DATE: January 8, 2025

POSITION: Favorable

Mr. Chairman and Members of the Committee,

My name is Alicia Bickoff. I am the Deputy Director of CHANA, an agency of the Associated: Jewish Community Federation of Baltimore. I am testifying in favor of SB 170. CHANA is a domestic violence, sexual abuse, and elder abuse agency that serves Baltimore County and City. CHANA provides safety planning, supportive counseling, shelter, crisis intervention, case management and legal advocacy.

Elder abuse is an act or failure to act that causes harm to an older adult. One in 10 community-residing older adults report being abused and an article cited by the World Health Organization reported that elder abuse increased by 83% during the initial months of the pandemic. Elder abuse includes physical, emotional, psychological, sexual, medical and financial abuse or neglect and perpetrators of elder abuse are most often adult children or spouses. Acts of elder abuse extend throughout the criminal justice system to include assault, sexual assault, theft, fraud and other crimes, none of which sufficiently cover the exploitation of benefits.

CHANA has served older adult who have been abused victims for financial gain, including to receive their benefits. CHANA supported an older gentleman who was physically assaulted, deprived of food and falsely imprisoned in his basement. His abusive relatives only let him out for trips to the bank on the day after his pension and social security benefits were deposited. They then forced him to give the funds to them. To date, Maryland law does not specifically address the exploitation of older adults, such as this client, to gain access to their benefits. CHANA supports this bill.

We ask you to support this bill so that our older adult clients can receive the full relief and protection that they truly need when they have been abused and their benefits have been exploited.

Written Testimony SB170 - Benefits Exploitation F

Uploaded by: Carmel Roques

Position: FAV



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: January 17, 2025

Bill Number: **SB170**

Bill Title: Criminal Law - Benefits Exploitation

Committee: Senate Judicial Proceedings

MDOA Position: FAVORABLE

The Department of Aging (MDOA) thanks the Chair and Committee members for the opportunity to submit this favorable testimony for Senate Bill (SB) 170 - Criminal Law - Benefits Exploitation.

The Maryland Department of Aging (MDOA) serves as Maryland's State Unit on Aging, administering federal and state funding for core programs, overseeing the Area Agency on Aging (AAA) network at the local level that provides supportive services to older adults, and planning for Maryland's growing older adult population. MDOA and AAAs work to prevent all forms of abuse of older adults through: the work of the Office of the Long Term Care Ombudsman, public elder abuse awareness efforts, funding legal aid service organizations for older adults who are victims of elder abuse and exploitation and serving as the public guardians for older adults over 65 where no one else suitable is available. MDOA's Maryland Access Point service is a wide-ranging single point of entry for services and options counseling for older adults, caregivers and other community members. As mandated reporters, MAP staff within AAAs regularly make reports of suspected abuse, neglect or exploitation of older adults to local Adult Protective Services investigators based on information shared during MAP interactions with older adults. Notably, MDOA recently convened and participated on the Task Force on Preventing and Countering Elder Abuse authorized by Senate Bill 797 and House Bill 1191 of 2023. This Task Force recently issued its final report to the General Assembly, noting that abuse, neglect and exploitation of older adults is a pervasive problem in Maryland that will increase



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

along with the growing older adult population.¹ One of the broad takeaways from this Task Force is that Maryland should strengthen existing criminal statutes to address the “exploitation of resources, or assets or benefits for older adults, such as pensions, public, social security, veteran’s, and retirement.”² SB223 provides an appropriate opportunity to do so. While applying an inclusive, across the lifespan approach for anyone whose government benefits are exploited, this will squarely benefit older adults who have had their government benefits exploited, from Medicare to Social Security or SNAP. The opportunity to provide greater access to justice for older adults is a goal of MDOA’s Longevity-Ready Maryland Initiative, which will work to make Maryland more prepared for our increasingly longer lives over the next several years.

For these reasons, the Department of Aging respectfully urges a **favorable** report for SB170. If you have any questions, please contact Andrea Nunez, Legislative Director, at andrea.nunez@maryland.gov or (443) 414-8183.

Sincerely,

Carmel Roques
Secretary
Maryland Department of Aging

¹ Task Force on Countering and Preventing Elder Abuse Report, December 23, 2024, pg. 5, *available at*: [https://dlslibrary.state.md.us/publications/Exec/MDoA/SB797Ch706HB1191Ch707\(2023\)_2024\(5\).pdf](https://dlslibrary.state.md.us/publications/Exec/MDoA/SB797Ch706HB1191Ch707(2023)_2024(5).pdf)

² *Id.* at 11.

SB170 FAV.pdf

Uploaded by: Christopher West

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 21, 2025

The Maryland State Senate Judicial Proceedings Committee

The Honorable William C. Smith, Jr.

2 East Miller Senate Building

Annapolis, Maryland 21401

Re: Senate Bill 170: *Criminal Law – Benefits Exploitation*

Dear Chairman Smith and Members of the Committee,

Last year, this identical bill passed unanimously in the House but had no Senate cross-file, so it got caught up in the end-of-Session crunch here in the Senate. Once again this year, the House bill has been introduced by Delegate Kaufman. This bill is a cross-file of Delegate Kaufman's bill.

This bill would create a new crime involving the exploitation of someone's government benefits. The crime would have three elements. First, a person would need to be found guilty of using deception, coercion, exploitation, isolation of any other means. These terms are all defined in the bill. Second, through such means, the person charged with the crime would have to be found guilty of knowingly recruiting, harboring, transporting or obtaining an individual as victim. Thirdly, that conduct would need to be found to have been perpetrated for the purpose of appropriating the government benefits of the victim for personal benefit of the defendant or to benefit another. In other words, this crime would be similar to human trafficking but could instead be referred to as "benefits trafficking" or "benefits exploitation."

In the context of this bill, benefits exploitation is the systematic recruitment, harboring and financial exploitation of elder and disabled adults who receive government benefits such as Social Security, Veteran's Benefits, Medicaid, Medicare, pension benefits, disability benefits or other government benefits.

Such exploitation occurs with alarming frequency. The exploiters tend to pose as sincere individuals offering to provide care for at-risk adults in an in-home setting. Once recruited, the at-risk adults sign over their government benefits to their caregiver. From that point on, the victims are held against their will while their caregiver receives their benefits and uses them for the benefit of the caregiver, not for the benefit of the victims. In extreme cases, the victims are moved from location to location, and denied basic needs such as food, clothing, and adequate shelter.

Victims of Benefits Exploitation are often forgotten at-risk adults who have fallen through the cracks of various mental health systems, are unhoused, and no longer have a social support system in place.

Benefits exploitation is deceptive and predatory behavior, causing extreme detrimental harm to individuals and their families.

I appreciate the Committee's consideration of Senate Bill 170 and will be happy to answer any questions the Committee may have.

NASW Maryland - 2025 SB 170 FAV - Benefits Exploit

Uploaded by: Karessa Proctor

Position: FAV

Testimony Before the Senate Judicial Proceedings Committee

January 21, 2025

Senate Bill 170 - Criminal Law- Benefits Exploitation

**** Support ****

The National Association of Social Workers is the largest professional association of social workers in the country, and the Maryland Chapter represents social workers across the state. On behalf of the NASW-MD's Committee on Aging, we would like to express our support for Senate Bill 170 – Criminal Law- Benefits Exploitation.

As social workers, we are in favor of this bill because it provides criminal penalties for recruiting, transporting, and detaining vulnerable Marylanders for the purpose of taking their government benefits. We are becoming increasingly aware of instances in which paid care providers and even family members commit these acts with impunity against older people and those with disabilities.

Older adults and adults with disabilities are among our most vulnerable populations. Perpetrators often target them because their health or mental health conditions reduce their ability to advocate for themselves or defend themselves. In addition, older adults and those with disabilities often receive government benefits that can be misused by exploitive criminals who claim to be helping them. Predators often abuse the legal vehicles available to allow family members and professionals to help individuals manage their funds (powers of attorney, payee programs) to gain control over the benefits for their own use.

We have seen benefits exploitation in the assisted living industry. A person in need of care may move into a licensed assisted living home after a hospital stay; days or weeks later, that person is moved, without their permission, into an unlicensed home run by the same provider. The whereabouts of these residents are difficult to track, especially if they do not have family or friends who are in touch with them. These transferred residents simply “disappear” and no one outside the facility knows where they are. The assisted living owner quickly becomes the payee on the person's government benefits, but the victim never sees the funds and does not even receive cash to purchase personal items. Often these victims are isolated from anyone outside the facility and denied phone “privileges.”

(over)

We have also worked with elders whose relatives exploit them for their government benefits by isolating, threatening, and coercing them until they give up control of their benefits. Many of these victims are unable to contact the authorities or are too frightened to do so.

It is time to identify and prosecute this crime in Maryland. Perpetrators must be stopped so that they can no longer strip our most vulnerable Marylanders of their funds, and their freedoms.

We ask that you give a favorable report on Senate Bill 170.

Respectfully,

Karessa Proctor, BSW, MSW
Executive Director, NASW-MD

SB 170 - FAV - JPR - ALZ Association.pdf

Uploaded by: Megan Peters

Position: FAV



Bill: SB 170 - Benefits Exploitation

Committee: Judicial Proceedings Committee

Position: Favorable

Date: January 21, 2025

On behalf of the 127,200 Marylanders living with Alzheimer's disease and the many other Marylanders living with another type of dementia, the Alzheimer's Association supports *SB 170 - Benefits Exploitation*. This bill is aimed at stopping a person from knowingly exploiting and benefiting from another individual's government benefits. We urge a favorable report.

People living with dementia are particularly vulnerable to financial abuse and exploitation. As their memory and other thinking skills decline, people with dementia may not remember or report the abuse – or understand that someone is taking advantage of them. This abuse can occur anywhere – including at home or in care settings.

Many Marylanders living with dementia are likely receiving some of the government benefits represented in SB 170, specifically Medicare and/or Medicaid. In Maryland alone, the Medicaid cost of caring for people with Alzheimer's in 2020 was an estimated \$1.23 billion. It is important that government benefits are supporting the individuals who are using these services, not bad actors who are hoping to benefit by taking advantage of an individual.

This bill will provide further safeguards to protect Maryland's most vulnerable. The Alzheimer's Association urges a favorable report on SB 170. Please contact Megan Peters, Director of Government Affairs at mrpeters@alz.org with any questions.

SB0170-JPR-SUPP.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB0170

January 21, 2025

TO: Members of the Judicial Proceedings Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: Senate Bill 170 – Criminal Law – Benefits Exploitation

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 170.

SB 170 clarifies that exploitation related to another person's government benefits is a criminal act that should be prohibited in the State of Maryland. The bill also clearly defines the methods by which bad actors exploit others for their own personal gain, including coercion, deception, and isolation. This bill is critical to ensuring older adults and persons with disabilities, who are often targeted by this type of exploitation, are protected from this type of exploitation and trafficking.

The Baltimore City Health Department Division of Aging and Community Support acts as the Area Agency on Aging (AAA) for Baltimore City. This agency also houses the Long-term Care Ombudsman program, which advocates for residents of nursing homes and assisted living facilities. The Ombudsman staff report that some of these facilities are taking advantage of their residents' vulnerability and isolation and, through coercion and deception, are gaining control of their benefit payments. SB 170, by defining forms of exploitation and deception and creating criminal penalties for them, will strengthen the ability of our agency and our law enforcement parties to protect the rights of these residents.

For these reasons, the BCA respectfully requests a **favorable** report on SB 170.

SB170 Md Dept of Human Services

Uploaded by: Rachel Sledge

Position: FAV



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

January 21, 2025

The Hon. Will Smith, Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

**RE: TESTIMONY ON SB0170 - CRIMINAL LAW - BENEFITS EXPLOITATION -
POSITION: FAVORABLE**

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide favorable testimony for SB 170.

With offices in every one of Maryland's jurisdictions, we empower Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities. The Family Investment Administration (FIA) within our department administers a variety of financial assistance programs affected by SB 170.

We believe SB 170 could reduce public benefit theft by creating an additional criminal charge that may deter thieves from exploiting individuals and families we serve. SB 170 would add to the State's efforts to prosecute thieves while we do everything we can to protect our customer's benefits. Among measures we've implemented since we took office is a new system feature enabling customers to lock their Electronic Benefits Transfer (EBT) card while it is not in use. We also increased personal Identification number (PIN) complexity and instituted activity alerts so customers can detect and mitigate potential theft in real time.

We appreciate the addition of Temporary Disability Assistance Program (TDAP) and Public Assistance to Adults (PAA) to the enumerated list of protected benefits. We disburse these cash assistance benefits on EBT cards. EBT cards are also used for

Temporary Assistance for Needy Families (TANF), which Maryland calls Temporary Cash Assistance (TCA), and Supplemental Nutrition Assistance Program (SNAP) benefits.

SB 170 clearly identifies as criminal means of achieving theft including through deception, coercion, exploitation, or isolation. The bill could help to prosecute thieves who target Marylanders. Additional and specific protections are necessary because Marylanders rely on cash benefits to pay for groceries to feed their families, keep the lights on, and supplement other monthly expenses.

If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read 'Rafael López', written over the printed name.

Rafael López
Secretary

SB170 Md. Department of Human Services

Uploaded by: Rachel Sledge

Position: FAV



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

January 21, 2025

The Hon. Will Smith, Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

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25 S. Charles Street, Baltimore, MD 21201-3500
Tel: 1-800-332-6347 | TTY: 1-800-735-2258 | www.dhs.maryland.gov

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In service,

A handwritten signature in black ink, appearing to read 'Rafael López', written over a horizontal line.

Rafael López
Secretary

Testimony in support of SB0170 - Criminal Law - Be

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0170_RichardKaplowitz_FAV

01/21/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0170 - POSITION: FAVORABLE
Criminal Law - Benefits Exploitation

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ SB#/0170, **Criminal Law - Benefits Exploitation**

Unfortunately, there are individuals in our society who prey on those who, through no fault of their own, do not have a will or the knowledge or the mental soundness to avoid being taken advantage of by unscrupulous persons.

This bill will make that predatory behavior a serious crime in the way it is treated. This bill will serve that goal by prohibiting a person from knowingly recruiting, harboring, transporting, or obtaining an individual for the purpose of appropriating the government benefits of an individual for the benefit of the person or another through deception, coercion, exploitation, isolation, or any other means. It would also criminalize any confederates of the person initiating this conduct by prohibiting a person from aiding, abetting, or conspiring with one or more persons to violate a certain provision of the Act. The result of a finding that this conduct exists or is planned will establish that a violation of the Act is a felony; etc.

Multiple examples of this despicable fraud and scams can be found online along with the effects on the person or persons harmed by it. This bill makes it clear that those miscreants will receive significant punishment for their actions. The seriousness of the penalty may also help to make the crimes less attractive to those who might attempt them.

I respectfully urge this committee to return a favorable report on SB0170.

1 21 25 SB 170 Benefit Explotation MOPD oppose.doc

Uploaded by: Elizabeth Hilliard

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON SENATE BILL 170

BILL: SB 170 -- Criminal Law - Benefits Exploitation

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 1/21/2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 170 for the following reasons:

First, Senate Bill 170 seeks to create a felony that carries a statutory maximum penalty of 25 years and a potential \$15,000 fine. Although the Office of the Public Defender never wants to see the vulnerable people exploited, creating more felonies is not an effective way to address the problem. Instead, it increases collateral consequences that in turn result in increased risk of recidivism and diminished public safety in communities.

Collateral consequences are legal restrictions that disqualify people convicted of crimes from accessing certain needs and benefits available to other citizens. Many of the collateral consequences experienced by people with felony convictions involve their very basic needs, including employment, housing and public food benefits. In particular, a person with a felony conviction faces significant barriers accessing housing, especially affordable housing because of their conviction. Most, if not all, government housing disqualifies applicants with felony convictions. Furthermore, families that live in public housing or have housing through a government voucher, are often not allowed to have family members with felony convictions live with them. Additionally, most landlords often do background checks and do not rent to people with criminal backgrounds and specifically felony charges. They could also be prohibited from reunifying with their families if their family lives in any form of public ho

Felonies are the highest level of crime. As such, people with felony convictions face increased challenges in gaining employment. Eighty-seven percent of employers conduct background checks. Most employers do not hire people with felony convictions and/or who have served time

in prison. Sixty percent of incarcerated people remain unemployed one year after their release. This inability to gain employment desperately impacts a person's quality of life and ability to establish a livelihood without committing crime.

Without the possibility of stable housing and income to provide for food and other necessities, people are forced to partake in illegal and not unsafe measures, increasing the risk of crime and making our communities less are not safe. Additionally, people with felony convictions are excluded from participating in food supplement programs in Maryland. With the prices of food on the rise, limited income and no access to food supplement programs, the options for a convicted felon to survive and meet their basic needs without reoffending are little to none.

Finally, OPD has concerns with the inclusion of "any other means" in 8-524(B)(1) in reference to "recruit[ing], transport[ing], or obtain[ing] an individual" might be unclear in implementation. The concern that comes to mind is individuals suffering from substance use disorder who may engage in selling or trading their government benefits such as food stamps. Individuals in the throes of addiction may sell their food stamps for half of their value either for drugs or money. A felonious conviction with a 25 year potential penalty is an inappropriate response to someone who needs treatment.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 170.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

sb170.pdf

Uploaded by: Will Vormelker

Position: INFO

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
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P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 170
Criminal Law – Benefits Exploitation
DATE: January 15, 2025
(1/21)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters. The Judiciary writes only to provide information to the Committee for its consideration.

On page 4, line 8, the bill contains an anti-merger provision, which is within the legislature's constitutional authority. However, the use of the term conviction, rather than sentence, in that provision causes this comment. In a criminal prosecution, merger does not typically serve to wipe out a conviction of the merged offense but, rather, to preclude a separate sentence. As such, anti-merger provisions generally make clear the legislative intent to have separate sentences for each offense. The conviction itself is within the purview of the factfinder.

cc. Hon. Chris West
Judicial Council

Legislative Committee
Kelley O'Connor