

# **SB0466\_Vulnerable\_and\_Senior\_Adults\_Theft\_of\_Prope**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR SB0466

### Vulnerable and Senior Adults – Theft of Property by Caregiver, Family Member, or Household Member - Prohibition

**Bill Sponsor:** President

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Aileen Alex, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0466 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

As our state population ages, more and more seniors find themselves in a position to rely on others for their care and their well-being. In many of those cases, those who become caregivers are responsible and caring. In some cases, though, the caregiver, whether they are a family member or an outside caregiver, takes advantage of the adult they are supposed to care for.

This bill, if enacted, would set penalties on the theft of property of a vulnerable or senior adult who is older than 68 by their caregiver. If the value of the property is small (less than \$1,500), the theft would be considered a misdemeanor subject to a fine of \$500 and a term of prison not exceeding one year. The bill scales the penalties up to a maximum fine of \$25,000 and up to 20 years in prison for a theft valued at greater than \$100,000. In all cases, the caregiver would have to return the property.

Theft from a vulnerable, or senior adult is a horrible crime. The Maryland Legislative Coalition wholeheartedly supports this bill and recommends a **FAVORABLE** report in committee.

**SB0466\_FAV\_MNCHA\_Vulnerable & Senior Adults - Thef**

Uploaded by: Danna Kauffman

Position: FAV



## **Maryland-National Capital Homecare Association**

Senate Judicial Proceedings Committee

Senate Bill 466 – *Vulnerable and Senior Adults – Theft of Property by Caregiver, Family Member, or Household Member – Prohibition*

February 5, 2025

**POSITION: SUPPORT**

On behalf of the Maryland-National Capital Homecare Association (MNCHA), whose members include Medicare-certified home health agencies, private duty companies, and durable medical equipment suppliers across the State, we support Senate Bill 466. This bill prohibits a caregiver, family member, or household member from **knowingly and willfully** obtaining an individual's property if the caregiver, family member, or household member knows or reasonably should know that the individual is a vulnerable or senior adult with the intent to deprive the vulnerable or senior adult of the property.

Elder abuse often affects those with limited resources who may not be able to report abuse on their own. Laws that protect elders can help ensure they are treated with dignity, respect, and care and may serve as a deterrent for potential offenders who may be less inclined to harm someone if the legal ramifications are steep. In addition, providing additional tools for prosecution may assist in closing what can be a “revolving door” when a caregiver can leave one contracted position for another, perpetuating the cycle.

For these reasons, we support Senate Bill 466.

### **For More Information:**

Caitlin Houck  
Executive Director  
Maryland-National Capital Homecare Association  
Cell: 240-383-0420

Danna Kauffman  
Schwartz, Metz, Wise & Kauffman, P.A.  
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410-244-7000

**SB 466 - FAV - JPR - ALZ Association.pdf**

Uploaded by: Megan Peters

Position: FAV



**Bill:** SB 466 - Vulnerable and Senior Adults - Theft of Property by Caregiver, Family Member, or Household Member - Prohibition

**Committee:** Judicial Proceedings

**Position:** Favorable

**Date:** February 5, 2025

On behalf of the 127,000 Marylanders living with Alzheimer's disease, the Alzheimer's Association supports SB 466 - Vulnerable and Senior Adults - Theft of Property by Caregiver, Family Member, or Household Member - Prohibition and urges a favorable report. This legislation will provide additional protections for vulnerable adults and senior adults from exploitation by a caregiver. Specifically, this legislation will ensure appropriate actions can be taken against a caregiver who exploits a vulnerable or senior adult.

Elder abuse is a serious and growing problem. Every year, an estimated five million seniors in the United States are victims of elder abuse, neglect, or exploitation.<sup>1</sup> According to the National Center on Elder Abuse, one in ten older adults experiences some form of abuse, yet it remains underreported.<sup>2</sup>

Adults living with dementia are particularly vulnerable to abuse, neglect, and exploitation because the disease may prevent them from reporting or recognizing it. Abuse can occur anywhere, including at home and in care settings. Strengthening protections and ensuring appropriate action can be taken against bad actors ensures our vulnerable adults and older adults can live their lives with dignity and security.

The Alzheimer's Association urges a favorable report on SB 466. Please contact Megan Peters, Director of Government Affairs at [mrpeters@alz.org](mailto:mrpeters@alz.org) with any questions.

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<sup>1</sup> <https://acl.gov/news-and-events/events-and-observances/world-elder-abuse-awareness-day>

<sup>2</sup> <https://ncea.acl.gov/elder-abuse#gsc.tab=0>

# **Testimony in support of SB0466 - Vulnerable and Se**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0466\_RichardKaplowitz\_FAV

02/05/2025

Richard Keith Kaplowitz  
Frederick, MD 21703-7134

**TESTIMONY ON SB#0466 - POSITION: FAVORABLE**  
**Vulnerable and Senior Adults - Theft of Property by Caregiver, Family Member, or Household Member – Prohibition**

**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#/0466, Vulnerable and Senior Adults - Theft of Property by Caregiver, Family Member, or Household Member – Prohibition**

The Attorney General of Maryland has noted that “The largest population in the United States consists of people over the age of 65. Sadly, many seniors and "vulnerable adults" are targets of crimes ranging from telemarketing fraud to patient abuse in nursing home facilities. “<sup>1</sup>

In acknowledging these deprivations of seniors and vulnerable adults the Attorney General has requested authorities on treatment of and prosecution of these criminal acts. Criminal conduct is defined within the bill. This bill will prohibit a caregiver, family member, or household member from knowingly and willfully obtaining the property of an individual the caregiver, family member, or household member knows or reasonably should know is a vulnerable or senior adult with the intent to deprive the vulnerable or senior adult of the property.

Specific treatment under law for enforcement and punishment is provided by making a violation of the Act an unfair, abusive, or deceptive trade practice that is subject to enforcement and penalties under the Maryland Consumer Protection Act; etc.

The Maryland State Plan on Aging<sup>2</sup> makes the case that our senior population is large and growing and likely needs these protection.

The number of older Marylanders is increasing. Of the nearly 6.1 million people in Maryland in 2020, 22.62% were aged 60 or over. This percentage is expected to increase to 26.57% of Maryland’s projected population of 6.7 million by the year 2040.

**I respectfully urge this committee to return a favorable report on SB0466.**

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<https://www.marylandattorneygeneral.gov/Pages/seniors.aspx#:~:text=Sadly%2C%20many%20seniors%20and%20%22vulnerable,to%20report%20fraud%20or%20abuse.>

<sup>2</sup> <https://aging.maryland.gov/SiteAssets/Pages/StatePlanonAging/MD%20State%20Plan%202022-2025.pdf>



**SB 466 Theft by Caregiver-Fam-Hsld Member - BD 020**

Uploaded by: Robert Doyle

Position: FAV



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**Statement of the Maryland Federation of  
National Active and Retired Federal Employees  
Senate Judicial Proceedings Committee Hearing, February 5, 2025  
On SB 466 – Vulnerable and Senior Adults – Theft of Property by Caregiver,  
Family Member or Household Member – Prohibition**

**(Position – FAV)**

Good afternoon, Chair Williams and Vice-Chair Waldstreicher and members of the Judicial Proceedings Committee. I am Robert M. Doyle testifying on behalf of the State Legislative Committee of the Maryland National and Retired Federal Employees Association (NARFE), representing approximately 317,000 federal annuitants and employees in Maryland. For the continuing protection and benefit of our members and all Maryland seniors, we support and ask you for a favorable report on SB 466, entitled Vulnerable & Senior Adults – Theft of Property by Caregiver, Family member or Household Member – Prohibition. We thank the MD Office of Attorney General for requesting this Bill and President Ferguson for introducing it.

SB 466 will provide strong criminal penalties and fines for senior financial fraud to supplement the protections now available by the Maryland SAFE (Statute against Financial Exploitation) Act passed by the Maryland General Assembly in 2021. (The SAFE Act is discussed after my statement). These penalties and fines get progressively stronger depending on the value of the property stolen from the senior individual (defined as someone at least 68 years old) or the vulnerable adult. These range from up to one year imprisonment or a fine not to exceed \$500, or both, for the misdemeanor theft of property less than \$1500, to the imprisonment up to 20 years or a fine not to exceed \$25,000, or both, for the felony theft of property of \$100,000 or more. In all cases, a person convicted of a violation of the Act “shall restore the property taken or its value to the owner or if the owner is deceased, restore the property or its value to the owner’s estate”. Additionally, SB 466 establishes that a person convicted under this Act is disqualified from inheriting, taking, enjoying, receiving, or otherwise benefiting from the estate, insurance proceeds, or property of the victim.

## **Why We Need The Protections of SB 466**

The problem of elder financial exploitation is pervasive. The Financial Crimes Enforcement Network (FinCEN) issued a report in April 2024 after reviewing Bank Secrecy Act data from June 2022 through June 2023. The Report lays out Elder Financial Exploitation (EFE) incidents, defined as the illegal or improper use of an older adult's funds, property, or assets (older adults are typically considered individuals aged 60 or older.)

This Report showed 31,083 reports of suspicious activity, averaging \$98,863 per incident, for that 12 month period involving Elder Theft, the subject of SB 466. FinCEN defines Elder Theft as situations where persons known by older adults (60 years old and over) steal victims' funds. Elder theft is likely to be underreported and can go undetected because the perpetrators are typically individuals who are trusted by the victim.

Even worse were Elder Scams numbering 123,332 for that period. Elder Scams are defined as theft by fraudsters with no known relationship to their victims, and who are sometimes located outside the US.

### **Who Perpetrates Elder Theft**

The FinCEN Report showed adult children of older parents – who lived near the victimized parents -- are the most frequently identified perpetrators. Next most frequent were professional caregivers such as nurses, aides, rehabilitation facility workers, and in-home care providers. The FinCEN Report revealed that caretakers had access to older adults' banking information, checkbooks, or other personally identifiable information in multiple instances. In a small number of instances, perpetrators included neighbors and financial advisors, though they each accounted for a comparatively negligible number of filings.

### **How is Elder Theft Accomplished?**

The methods that perpetrators of elder theft use to steal from victims vary, but they generally appear to be relatively unsophisticated and straightforward, for example sending or withdrawing money for themselves, but also using stolen funds to make purchases or pay their own bills. These perpetrators made little or no effort to obfuscate the payments.

Unlike scammers, the family members or trusted individuals don't need to orchestrate elaborate scams to obtain access to the victim's accounts. Often the perpetrator already has access, can quickly gain access, or the victim will give them funds if the victim is adequately trusting, or conversely if the perpetrator is intimidating. Here are the methods the FinCEN Report shows:

- Funds transfers: Perpetrators either have access to victims' online banking or trick the victim into performing the transfers on their behalf. Funds are often sent directly to perpetrators, but filers also reported that perpetrators used stolen funds to pay merchants or other individuals.
- Fraudulent checks: Perpetrators with access to a victim's checkbook will write themselves checks and either have victims sign the check or forge the signature.

- Credit/debit card: Perpetrators have access to a victim’s credit/debit card or credit/debit card information and make purchases for themselves.
- Cash withdrawals: Perpetrators use ATMs if they have access to a victim’s debit card or they may escort the victim to the bank and conduct a teller withdrawal.
- Online bill pay: Perpetrators with access to a victim’s account will pay their own bills directly.
- Wire: The least common method of transfer, but frequently associated with large, international transactions.<sup>1</sup>

As a powerful weapon against Elder Theft, we applaud the introduction of SB 466 and respectfully request a favorable report.

Thank you.

Robert M. Doyle, Co-Chair  
Maryland Federation – NARFE  
State Legislative Committee  
4226 Carvel Lane  
Edgewater, MD 21037  
[bdoyle47@verizon.net](mailto:bdoyle47@verizon.net)  
H (410) 798-0079  
C/Text (301) 693-1774

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### **Background – The SAFE Act**

The SAFE Act creates a new civil cause of action for susceptible and older adults (and their families) to recover lost funds and assets due to financial exploitation, as well as legal fees and up to triple damages.

Prior to the passage of the SAFE Act, there were limited remedies available to victims of financial exploitation. Adult Protective Services and States Attorneys cases were rare because of the lack of resources and the higher burden of proving criminal intent. And victims or their families faced high costs of private attorneys to bring actions against perpetrators of financial

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<sup>1</sup> Information on Elder Theft from “Financial Trend Analysis – Elder Financial Exploitation: Theft Patterns and Trend Information, June 2022 to June 2023, published April 2024, by Financial Crimes Enforcement Network (FinCEN), U.S. Department of the Treasury, link to Report at <https://www.fincen.gov/news/news-releases/fincen-issues-analysis-elder-financial-exploitation>

exploitation. The SAFE Act helps victims, guardians, trustees, family members, heirs and estates who bring actions by both increasing allowable damages and also requiring the perpetrator to pay legal fees.

The SAFE Act is aimed at protecting both “older adults” (defined as any person who is 68 years of age or older) and “susceptible adults” (defined as an adult who is unable to execute daily life without assistance due to conditions such as age, disability, illness, or substance abuse).

“Financial exploitation” is defined as one of the following:

- Anyone who obtains assets from a victim who is incompetent and unable to comprehend the transaction;
- Anyone who uses false promises, pretenses, or criminal acts to obtain money from the victim; OR
- Anyone in a position of trust and confidence who abuses that trust to obtain the assets of the victim (a breach of fiduciary duty) and the transaction is not fair nor reasonable.

In successful suits, the Court may award the recovery of lost assets to the exploited adult or their representative, as well as remedies such as injunction or rescission of a contract. The Court may also award a maximum of three times the amount of compensatory damages in contrast with the typical civil suit where only what has been lost may be awarded. In addition, legal fees may also be recovered.<sup>2</sup>

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<sup>2</sup> From: The SAFE Act: A Powerful New Statute Against Financial Exploitation, Adam Spence, Spence Law Group, found at <https://www.spencefirm.com/marylands-new-and-powerful-statute-against-financial-exploitation/>

**SB466Vulnerable Senior AdultsTheft.FAV02.0525.pdf**

Uploaded by: Tammy Bresnahan

Position: FAV



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**SB 466 Vulnerable and Senior Adults-Theft of Property by Caregiver, Family Member, or Household Member Prohibition**  
**Senate Judicial Proceedings Committee**  
**FAVORABLE**  
**February 5, 2025**

Good afternoon, Chair Smith and members of the Senate Judicial Proceedings Committee. My name is Tammy Bresnahan, and I serve as the Senior Director of Advocacy for AARP Maryland. As you may know, AARP Maryland is one of the largest membership-based organizations in the in the State, encompassing almost 850,000 members. Thank you for the opportunity to testify in strong support of SB 466.

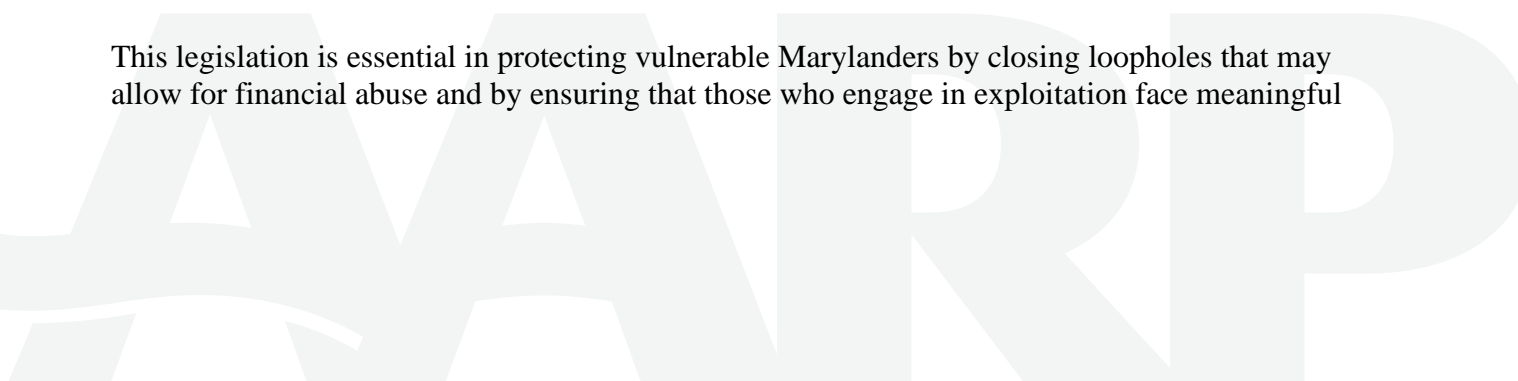
AARP is a nonpartisan, nonprofit, nationwide organization that helps people turn their goals and dreams into real possibilities, strengthens communities, and fights for the issues that matter most to families such as health care, employment and income security, retirement planning, affordable utilities,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

SB 466 seeks to protect vulnerable and senior adults by prohibiting caregivers, family members, or household members from knowingly and willfully obtaining the property of individuals they know—or should reasonably know—are vulnerable or senior adults, with the intent to deprive them of their property. Violations of this Act would be classified as unfair, abusive, or deceptive trade practices and would be subject to enforcement and penalties under the Maryland Consumer Protection Act.

AARP has long advocated for policies that safeguard the financial security and well-being of older adults. Our policy calls for strengthened protections against financial exploitation and abuse, including holding those who take advantage of vulnerable adults accountable under consumer protection laws. AARP believes that individuals should be able to age with dignity and without fear of being taken advantage of by those they trust most.

As you know, vulnerable adults—whether elderly, disabled, or otherwise unable to advocate for themselves—face heightened risks of abuse, neglect, and financial exploitation. Research consistently shows that financial exploitation can lead to severe consequences, including emotional distress, loss of assets, and diminished quality of life. The provisions in SB 466 directly address this issue by providing stronger deterrents and remedies for those who prey on seniors.

This legislation is essential in protecting vulnerable Marylanders by closing loopholes that may allow for financial abuse and by ensuring that those who engage in exploitation face meaningful





consequences. AARP firmly believes this measure aligns with our broader efforts to promote consumer protections and financial security for older adults.

We respectfully urge the committee to issue a favorable report on SB 466 and help safeguard the rights, dignity, and financial well-being of Maryland's vulnerable and senior populations. Thank you for your consideration. If you have questions, please contact me at [tbresnahan@aarp.org](mailto:tbresnahan@aarp.org) or by calling 410-302-8451.

**SB466Vulnerable Senior AdultsTheft.FAV02.0525.pdf**

Uploaded by: Tammy Bresnahan

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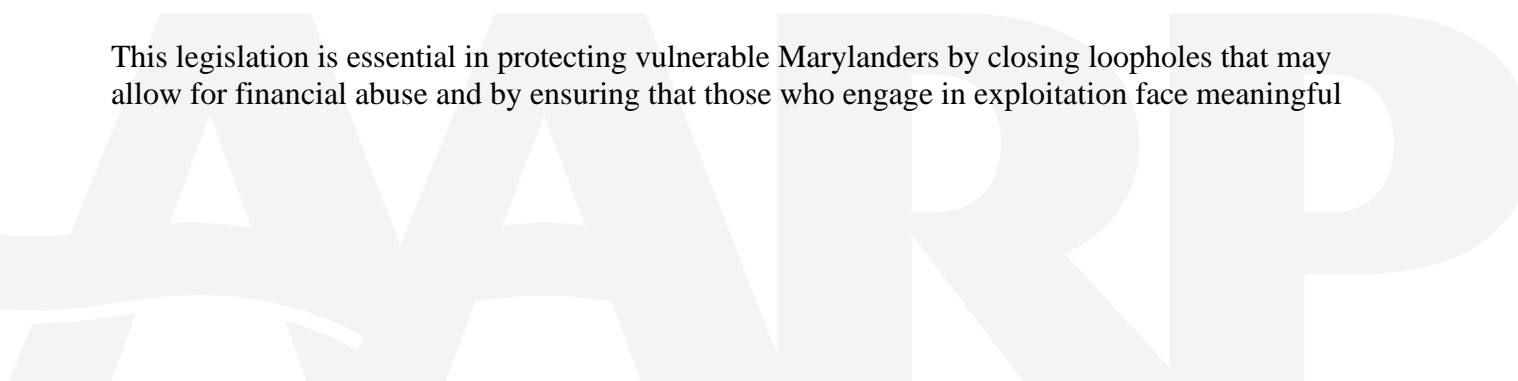
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**SB466.ExploitSrs.25.pdf**

Uploaded by: Virginia Crespo

Position: FAV



## Maryland Retired School Personnel Association

8379 Piney Orchard Parkway, Suite A • Odenton, Maryland 21113

Phone: 410.551.1517 • Email: [mrspa@mrspa.org](mailto:mrspa@mrspa.org)

[www.mrspa.org](http://www.mrspa.org)

### Senate Bill 0466

#### In Support Of

### Vulnerable and Senior Adults—Theft of Property by Caregiver, Family Member, or Household Member—Prohibition

Dear Honorable President Bill Ferguson, President of the Senate Maryland General Assembly

**The Maryland Retired School Personnel Association (MRSPA) supports Senate Bill 0466, Vulnerable and Senior Adults—Theft of Property by Caregiver, Family Member, or Household Member—Prohibition.**

It is the position of the Maryland Retired School Personnel Association that we support this bill as put forth by you as requested by the State Attorney General. The improvements in this bill clearly demonstrate the importance of providing appropriate and just protection and restitution to protect our most vulnerable citizens. Particularly, as Maryland's aging population increases, along with the increase in crime against this vulnerable group, we acknowledge the desire of our state government to provide said protection that includes appropriate and just prosecutorial actions and reparations.

On behalf of the over 12,000 members of the Maryland Retired School Personnel Association, we support SB0466.

Sincerely,

Elizabeth H. Weller  
President

Virginia G. Crespo  
Legislative Aide

**2025\_01\_29 AG Testimony in Support of SB 466.pdf**

Uploaded by: Anthony Brown

Position: FWA



**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Chief, Equity, Policy, and Engagement*

**PETER V. BERNIS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief Operating Officer*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

**ANTHONY G. BROWN**  
*Attorney General*

January 31, 2025

The Honorable William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

The Honorable Brian J. Feldman  
Chair, Senate Education, Energy, and the Environment Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

*Re: Senate Bill 466 - Vulnerable and Senior Adults - Theft of Property by Caregiver,  
Family Member, or Household Member - Prohibition*

Dear Chairs Smith and Feldman:

The Office of the Attorney General (OAG) supports **Senate Bill 466 - Vulnerable and Senior Adults - Theft of Property by Caregiver, Family Member, or Household Member – Prohibition** with amendments.

Maryland’s growing population of elderly and vulnerable adults increasingly relies on care providers to assist in the performance of the activities of daily living—from bathing and dressing to preparing meals. For many elderly and vulnerable adults, their relationship with their care providers is not a matter of choice - it is a matter of necessity. Maryland has long recognized that the relationship between a vulnerable adult and a care provider is a relationship of trust and dependence that deserves additional protection. For example, “Abuse or Neglect of a Vulnerable Adult” is a separate crime from simple assault and both crimes may be charged and sentenced separately. Likewise, “Financial Crimes Against Vulnerable Adults” is a separate crime from other types of theft crimes.



At present, however, the “Financial Crimes Against Vulnerable Adults” statute (§ 8-801 of the Criminal Law Article) focuses on an individual’s use of deception or undue influence to deprive a vulnerable adult of their money or property. This approach ignores the lived experience of many vulnerable adults and the exploitation of trust and dependence that occurs anytime a care provider financially victimizes a vulnerable adult. The intent of **Senate Bill 466** is to refocus the law away from the “how” of the crime and onto the “who” of the victim and the reality of that victim’s life.

The Supreme Court of Maryland has interpreted the current iteration of § 8-801 of the Criminal Law Article to require proof that the defendant obtained the property of the victim by “deception, intimidation, or undue influence.” This requirement ignores the realities of the power dynamics of the relationships between vulnerable adults and their care providers. Indeed, in the seminal case on this issue, *Tarray v. State*, 410 Md. 594 (2009), the former Court of Appeals of Maryland rejected the idea that exploitation of a vulnerable adult’s finances could constitute “aggravated” theft under the current language of § 8-801. Although the paraplegic victim in that case testified that he was “between a rock and a hard place” because he was dependent on his care provider to live, *Tarray*, 410 Md. at 609, the Court determined that § 8-801, as it currently reads, requires additional proof of deception, intimidation, or undue influence of the vulnerable adult.

Likewise, in a case the OAG recently prosecuted, a nursing assistant took advantage of her access to a 79-year-old nursing home resident and stole the elderly resident’s debit card as she slept. The nursing assistant could be charged only with theft because there was no trickery involved. A theft charge alone does not adequately address the blatant exploitation of the caregiving relationship underlying this criminal activity. The vulnerable resident required the care available in a nursing home and had no choice but to trust and rely on the nursing home’s staff.

In cases like these involving dependent vulnerable adults victimized by those on whom they depend for care and survival, a theft charge alone does not sufficiently address the criminal activity. As amended with OAG’s proposed amendments, **Senate Bill 466** changes § 8-801 of the Criminal Law Article to allow prosecutors to charge a caregiver who exploits this care relationship with an exploitation offense *in addition to* simple theft. Upon conviction, the court would then sentence the Defendant for both crimes, recognizing that not only is it wrong to steal, but it is also wrong to exploit the vulnerability of an elderly or disabled person in one’s care.

Finally, a conviction for exploitation offenses under § 8-801 results in a mandatory exclusion of the care provider from any federal or State-funded healthcare program by the United States Department of Health and Human Services. All care providers who take advantage of their vulnerable wards, whether through trickery or otherwise, ought to be subject to this exclusion. **Senate Bill 466**, with proposed amendments, fortifies those protections by ensuring that anyone who exploits their care relationship to prey on the vulnerable will be excluded from the health care system and thus keeps the health care system safe for our State’s most vulnerable residents.

The Honorable William C. Smith, Jr.  
The Honorable Brian J. Feldman  
Re: Senate Bill 466  
January 31, 2025  
Page 3

**Senate Bill 466** recognizes that caregivers, family members, and household members have a higher duty to a vulnerable adult for whom they care. A caregiver to a vulnerable adult should not need to engage in deception, intimidation, or undue influence when depriving the vulnerable adult of their property to be considered abusing the caregiver relationship that exists between the caregiver and the vulnerable adult. For the foregoing reasons, the Office of the Attorney General urges a favorable report on **Senate Bill 466** with amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "AG Brown". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Anthony G. Brown

Enclosure

**Proposed Amendments**

OAG proposes the following amendments that would achieve the goals discussed above. The nature of financial crimes against vulnerable adults, even those without deception, is exploitive. It preys on obligatory trust and the powerlessness of the victim. Such a crime is rightfully included within the Fraud and Related Crimes title. As written, **Senate Bill 466** creates a new crime under the Theft title rather than altering the existing § 8-801 of the Criminal Law Article. This is problematic. First, a new crime under the theft statute will “merge” for sentencing, obviating the bill’s purpose of separately punishing a perpetrator’s theft and their violation of a trust relationship with a vulnerable adult. As a result, prosecuting authorities will be left in the same position as they are at present, only able to charge theft in cases such as those described above. With amendments, prosecutors may charge both theft and Financial Crimes Against Vulnerable Adults and obtain separate sentences for both.

Moreover, while the federal exclusion authorities recognize theft in the context of healthcare as an excludable offense, a simple theft conviction does not adequately communicate that. A crime that requires the elements of (1) a care provider relationship; and (2) an exploitation of a patient’s trust is a much cleaner route to exclusion because it mirrors the requirements for exclusion. Relatedly, future employers who run background checks will be better warned of the nature of a candidate’s crimes when there is an exploitation-related conviction rather than a simple theft conviction.

Finally, by leaving the language of § 8-801 intact and simply adding language that removes the requirement of active deceit in the healthcare context, no other powers provided in other statutes relative to § 8-801 will be affected.

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**[STRIKE BILL IN ITS ENTIRETY AND REPLACE WITH]**

**Criminal Law - Financial Exploitation of a Vulnerable Adult**

By repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 8-801  
Annotated Code of Maryland  
(2021 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Law

8–801.

- (a) (1) In this section the following words have the meanings indicated.

**(2) “CAREGIVER” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.**

[(2)] (3) “Deception” has the meaning stated in § 7–101 of this article.

[(3)] (4) “Deprive” has the meaning stated in § 7–101 of this article.

(5) “Family member” has the meaning stated in **§ 3-604 OF THIS ARTICLE.**

**(6) “HOUSEHOLD MEMBER” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.**

[(4)] (7) “Obtain” has the meaning stated in § 7–101 of this article.

[(5)] (8) “Property” has the meaning stated in § 7–101 of this article.

[(6)] (9) (i) “Undue influence” means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult or an individual at least 68 years old was prevented from exercising free judgment and choice.

(ii) “Undue influence” does not include the normal influence that one member of a family has over another member of the family.

[(7)] (8) “Value” has the meaning stated in § 7–103 of this article.

[(8)] (9) “Vulnerable adult” has the meaning stated in § 3–604 of this article.

(b) (1) 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 intent to deprive the vulnerable adult of the vulnerable adult’s property.

(2) 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 at least 68 years old, with intent to deprive the individual of the individual’s property.

**(3) A PERSON WHO IS A CAREGIVER TO OR A FAMILY MEMBER OR HOUSEHOLD MEMBER OF AN INDIVIDUAL MAY NOT KNOWINGLY AND WILLFULLY OBTAIN THE PROPERTY OF THE INDIVIDUAL WITH INTENT TO DEPRIVE THE INDIVIDUAL OF THE INDIVIDUAL’S PROPERTY IF:**

The Honorable William C. Smith, Jr.  
The Honorable Brian J. Feldman  
Re: Senate Bill 466  
January 31, 2025  
Page 6

**(I) THE INDIVIDUAL IS A VULNERABLE ADULT OR AN INDIVIDUAL WHO IS AT LEAST 68 YEARS OF AGE; AND**

**(II) THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT THE INDIVIDUAL IS A VULNERABLE ADULT OR IS AT LEAST 68 YEARS OLD**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

## **SB466 Additional Information**

Uploaded by: Anthony Brown

Position: FWA



**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Chief, Equity, Policy, and Engagement*

**PETER V. BERNS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief Operating Officer*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

**ANTHONY G. BROWN**  
*Attorney General*

March 4, 2025

The Honorable William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

The Honorable Brian J. Feldman  
Chair, Senate Education, Energy, and the Environment Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

*Re: Senate Bill 466 - Vulnerable and Senior Adults - Theft of Property by Caregiver,  
Family Member, or Household Member - Prohibition*

Dear Chairs Smith and Feldman:

The Office of the Attorney General (OAG) writes to reiterate the importance of passing **Senate Bill 466 - Vulnerable and Senior Adults - Theft of Property by Caregiver, Family Member, or Household Member – Prohibition** as written with our proposed amendments.

Maryland Criminal Law § 8-801 criminalizes the exploitation of vulnerable adults and those over 68 years of age. In its current form, it applies only to theft by “deception, intimidation, or undue influence.” Senate Bill 466 would protect our state’s vulnerable populations from being victimized by those entrusted with their care by expanding § 8-801 to include *any* theft from a vulnerable adult by a care provider even if no “deception, intimidation, or undue influence” was used. The purpose of this change is to recognize and protect the special trust relationship that exists between a vulnerable adult and their care providers. A violation of this relationship ought to be prohibited regardless of the methods used to commit the underlying crime.

The Honorable William C. Smith, Jr.  
The Honorable Brian J. Feldman  
Re: Senate Bill 466  
March 4, 2025  
Page 2

Central to the goals of SB 466 is the existing language of § 8-801(d),<sup>1</sup> which recognizes financial exploitation of a vulnerable adult as a *separate offense* from the crime of theft. In other words, a person who steals from a vulnerable adult in their care can be convicted of two crimes and the sentence imposed for exploitation under § 8-801 can be consecutive or concurrent to the sentence imposed for theft under Maryland Criminal Law § 7-104. This is commonly referred to as “stacking.” The General Assembly included stacking in § 8-801 by design to punish and deter the crime of theft while permitting additional punishment due to the age and vulnerability of the victim. Removing or altering the language of 8-801(d) would render SB 466 ineffective. It would recognize two crimes while requiring the State to choose only one for prosecution. The choice to leave 8-801(d) undisturbed is the difference between recognizing the rights of vulnerable individuals and actively protecting them. We would urge a favorable report on SB 466 without further amendment to the existing law.

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<sup>1</sup> “A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.”



**Proposed Amendments**

OAG proposes the following amendments that would achieve the goals discussed above. The nature of financial crimes against vulnerable adults, even those without deception, is exploitive. It preys on obligatory trust and the powerlessness of the victim. Such a crime is rightfully included within the Fraud and Related Crimes title. As written, **Senate Bill 466** creates a new crime under the Theft title rather than altering the existing § 8-801 of the Criminal Law Article. This is problematic. First, a new crime under the theft statute will “merge” for sentencing, obviating the bill’s purpose of separately punishing a perpetrator’s theft and their violation of a trust relationship with a vulnerable adult. As a result, prosecuting authorities will be left in the same position as they are at present, only able to charge theft in cases such as those described above. With amendments, prosecutors may charge both theft and Financial Crimes Against Vulnerable Adults and obtain separate sentences for both.

Moreover, while the federal exclusion authorities recognize theft in the context of healthcare as an excludable offense, a simple theft conviction does not adequately communicate that. A crime that requires the elements of (1) a care provider relationship; and (2) an exploitation of a patient’s trust is a much cleaner route to exclusion because it mirrors the requirements for exclusion. Relatedly, future employers who run background checks will be better warned of the nature of a candidate’s crimes when there is an exploitation-related conviction rather than a simple theft conviction.

Finally, by leaving the language of § 8-801 intact and simply adding language that removes the requirement of active deceit in the healthcare context, no other powers provided in other statutes relative to § 8-801 will be affected.

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**[STRIKE BILL IN ITS ENTIRETY AND REPLACE WITH]**

**Criminal Law - Financial Exploitation of a Vulnerable Adult**

By repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 8-801  
Annotated Code of Maryland  
(2021 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Law

8–801.

(a) (1) In this section the following words have the meanings indicated.

**(2) “CAREGIVER” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.**

[(2)] (3) “Deception” has the meaning stated in § 7–101 of this article.

[(3)] (4) “Deprive” has the meaning stated in § 7–101 of this article.

(5) “Family member” has the meaning stated in **§ 3-604 OF THIS ARTICLE.**

**(6) “HOUSEHOLD MEMBER” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.**

[(4)] (7) “Obtain” has the meaning stated in § 7–101 of this article.

[(5)] (8) “Property” has the meaning stated in § 7–101 of this article.

[(6)] (9) (i) “Undue influence” means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult or an individual at least 68 years old was prevented from exercising free judgment and choice.

(ii) “Undue influence” does not include the normal influence that one member of a family has over another member of the family.

[(7)] (8) “Value” has the meaning stated in § 7–103 of this article.

[(8)] (9) “Vulnerable adult” has the meaning stated in § 3–604 of this article.

(b) (1) 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 intent to deprive the vulnerable adult of the vulnerable adult’s property.

(2) 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 at least 68 years old, with intent to deprive the individual of the individual’s property.

**(3) A PERSON WHO IS A CAREGIVER TO OR A FAMILY MEMBER OR HOUSEHOLD MEMBER OF AN INDIVIDUAL MAY NOT KNOWINGLY AND WILLFULLY OBTAIN THE PROPERTY OF THE INDIVIDUAL WITH INTENT TO DEPRIVE THE INDIVIDUAL OF THE INDIVIDUAL’S PROPERTY IF:**

The Honorable William C. Smith, Jr.  
The Honorable Brian J. Feldman  
Re: Senate Bill 466  
March 4, 2025  
Page 5

**(I) THE INDIVIDUAL IS A VULNERABLE ADULT OR AN INDIVIDUAL WHO IS AT LEAST 68 YEARS OF AGE; AND**

**(II) THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT THE INDIVIDUAL IS A VULNERABLE ADULT OR IS AT LEAST 68 YEARS OLD**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

# **BJC Support Senate Bill 466 Vulnerable and Senior**

Uploaded by: Sarah Miicke

Position: FWA



OFFICERS

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President

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Past President

HOWARD LIBIT  
Executive Director

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- American Jewish Committee
- Americans for Peace Now
- Baltimore Chapter
- American Israel Public Affairs Committee
- American Red Magen David for Israel
- American Zionist Movement
- Amit Women
- Association of Reform Zionists of America
- Baltimore Board of Rabbis
- Baltimore Hebrew Congregation
- Baltimore Jewish Green and Just Alliance
- Baltimore Men's ORT
- Baltimore Zionist District
- Beth Am Congregation
- Beth El Congregation
- Beth Israel Congregation
- Beth Shalom Congregation of Howard County
- Beth Tfiloh Congregation
- Bnai Brith, Chesapeake Bay Region
- Bnai Israel Congregation
- Bnai Jacob Shaarei Zion Congregation
- Bolton Street Synagogue
- Chevrá Ahasas Chesed, Inc.
- Chevrei Tzedek Congregation
- Chizuk Amuno Congregation
- Congregation Beir Tikvah
- Congregation Tiferes Yisroel
- Federation of Jewish Women's Organizations of Maryland
- Hadassah
- Har Sinai - Oheb Shalom Congregation
- J Street
- Jewish Federation of Howard County
- Jewish Labor Committee
- Jewish War Veterans
- Jewish War Veterans, Ladies Auxiliary
- Jewish Women International
- Jews For Judaism
- Moses Montefiore Anshe Emunah Hebrew Congregation
- National Council of Jewish Women
- Ner Tamid Congregation
- Rabbinical Council of America
- Religious Zionists of America
- Shaarei Tfiloh Congregation
- Shomrei Emunah Congregation
- Suburban Orthodox Congregation
- Temple Beth Shalom
- Temple Isaiah
- Zionist Organization of America Baltimore District

**WRITTEN TESTIMONY**

**Senate Bill 466 Vulnerable and Senior Adults - Theft of Property by Caregiver, Family Member – Prohibition**

**Jointly Assigned: Judicial Proceedings and Education, Energy & Environment Committees**

**February 5, 2025**

**Support as Amended by the Sponsor**

**Background:** If enacted, Senate Bill 466 with sponsor amendments, would make changes to the criminal code article § 8-801 which criminalizes financial crimes committed against vulnerable adults. Those convicted of a felony under this statute are subject to mandatory exclusion from working for any Federal or State funded healthcare system for a period of five years. Currently § 8-801 requires the State to prove that the property was obtained from the victim by “deception, intimidation, or undue influence.” However, deception is very narrowly defined in Maryland’s criminal code, requiring a broken trust where the victim is misled. Therefore, a caregiver who steals money or a credit card from a vulnerable adult in their care, without their knowledge, is not conduct covered by the financial exploitation statute. This bill aims to revise § 8-801 to make financial exploitation of a vulnerable adult an aggravated offense due to a victim’s vulnerability and the caregiver’s status, addressing this gap in the law.

**Written Comments:** The Baltimore Jewish Council represents the interests of CHANA, an agency of the Associated: Jewish Federation of Baltimore. 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. CHANA has served far too many older adult abuse victims whose caregivers have used them for financial gain. This bill would give victims the ability to seek financial justice and help others from falling victim to the same exploiters.

For these reasons, we urge a favorable report on SB466 as amended by the sponsor.

*The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.*



# Baltimore Jewish Council

*An agency of The Associated*

## OFFICERS

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President

RICHARD GRATZ

SARAH GROSSMAN

AMALIA HONICK

RABBI STEVEN SCHWARTZ

RABBI JONATHAN SEIDEMANN

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Baltimore Chapter  
American Israel Public Affairs Committee  
American Red Magen David for Israel  
American Zionist Movement  
Amit Women  
Association of Reform Zionists of America  
Baltimore Board of Rabbis  
Baltimore Hebrew Congregation  
Baltimore Jewish Green and Just Alliance  
Baltimore Men's ORT  
Baltimore Zionist District  
Beth Am Congregation  
Beth El Congregation  
Beth Israel Congregation  
Beth Shalom Congregation of  
Howard County  
Beth Tfiloh Congregation  
Bnai Brith, Chesapeake Bay Region  
Bnai Israel Congregation  
Bnai Jacob Shaarei Zion Congregation  
Bolton Street Synagogue  
Chevra Ahavas Chesed, Inc.  
Chevrei Tzedek Congregation  
Chizuk Amuno Congregation  
Congregation Beir Tikvah  
Congregation Tiferes Yisroel  
Federation of Jewish Women's  
Organizations of Maryland  
Hadassah  
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Jewish Federation of Howard County  
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Jewish War Veterans  
Jewish War Veterans, Ladies Auxiliary  
Jewish Women International  
Jews For Judaism  
Moses Montefiore Anshe Emunah  
Hebrew Congregation  
National Council of Jewish Women  
Ner Tamid Congregation  
Rabbinical Council of America  
Religious Zionists of America  
Shaarei Tfiloh Congregation  
Shomrei Emunah Congregation  
Suburban Orthodox Congregation  
Temple Beth Shalom  
Temple Isaiah  
Zionist Organization of America  
Baltimore District

**SB 466 - FAV - MSCAN Testimony.pdf**

Uploaded by: Sarah Miicke

Position: FWA



# *Maryland Senior Citizens Action Network*

## **MSCAN**

*AARP Maryland*

*Alzheimer's  
Association,  
Maryland Chapters*

*Baltimore Jewish  
Council*

*Catholic Charities of  
Baltimore*

*Central Maryland  
Ecumenical Council*

*Church of the Brethren*

*Episcopal Diocese of  
Maryland*

*Housing Opportunities  
Commission of  
Montgomery County*

*Jewish Community  
Relations Council of  
Greater Washington*

*Lutheran Office on  
Public Policy in  
Maryland*

*Maryland Association of  
Area Agencies on Aging*

*Maryland Catholic  
Conference*

*Mental Health  
Association of Maryland*

*Mid-Atlantic LifeSpan*

*National Association of  
Social Workers,  
Maryland Chapter*

*Presbytery of Baltimore*

*The Coordinating  
Center*

*MSCAN Co-Chairs:  
Carol Lienhard  
Sarah Mücke  
6102460075*

## **Senate Bill 466 Vulnerable and Senior Adults - Theft of Property by Caregiver, Family Member – Prohibition Jointly Assigned: Judicial Proceedings and Education, Energy & Environment Committees**

**February 6, 2025**

### **Support as Amended by the Sponsor**

The Maryland Senior Citizens Action Network (MSCAN) is a statewide coalition of advocacy groups, service providers, faith-based and mission-driven organizations that supports policies that meet the housing, health, and quality of care needs of Maryland's low and moderate-income seniors.

Senate Bill 466 with sponsor amendments seeks to make changes to criminal code article § 8 which criminalizes financial crimes committed against vulnerable adults. This bill would make it so that caregivers who financially exploit vulnerable adults in their care can be convicted of a felony and, where eligible, subject to mandatory exclusion from working for any Federal or State funded healthcare system for a period of five years.

Elderly individuals are among the most vulnerable members of our society when it comes to financial fraud and exploitation. Family members, neighbors and professional caregivers all too often exploit them. They often take their credit card or cash without the vulnerable adult's knowledge and defraud them. Currently, this act is not considered deception since Maryland's criminal code requires a broken trust where the victim is misled. By making changes to the criminal code, Maryland will be able to better protect some of its most vulnerable residents.

For these reasons, MSCAN respectfully requests a favorable report for on SB466 as amended by the sponsor.



**sb466.pdf**

Uploaded by: Will Vormelker

Position: UNF

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  
AND PUBLIC AFFAIRS  
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 466  
Vulnerable and Senior Adults – Theft of Property by Caregiver,  
Family Member, or Household Member - Prohibition  
**DATE:** January 29, 2025  
(2/5)  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes Senate Bill 466, as drafted.

The Judiciary's only opposition is to the language on page 5, line 19, which applies the provisions to any person who is at least 68 years of age. This would place the court in the position of determining the mental and physical fitness of every witness solely based on their age and not whether any facts exist to warrant such a determination. It is not clear why this language is necessary in addition to the individual being a vulnerable adult which is defined in Criminal Law section 3-604.

cc. Hon. Bill Ferguson  
Judicial Council  
Legislative Committee  
Kelley O'Connor