

REFERENCE TITLE: financial abuse of elders; reports

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

# HB 2714

Introduced by  
Representatives Farley: Ash, Gray R

AN ACT

AMENDING TITLE 6, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 18; RELATING TO  
FINANCIAL INSTITUTION MANDATORY REPORTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 6, Arizona Revised Statutes, is amended by adding  
3 chapter 18, to read:

4 CHAPTER 18

5 FINANCIAL INSTITUTION MANDATORY REPORTING

6 ARTICLE 1. GENERAL PROVISIONS

7 6-1801. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ELDER" MEANS A PERSON WHO IS AT LEAST SIXTY-TWO YEARS OF AGE.

10 2. "FINANCIAL ABUSE" MEANS FINANCIAL ABUSE OR ECONOMIC EXPLOITATION.

11 6-1802. Mandatory reporting of suspected financial abuse of an  
12 elder; attorney general; immunity

13 A. A FINANCIAL INSTITUTION SHALL REPORT TO THE ATTORNEY GENERAL  
14 SUSPECTED FINANCIAL ABUSE THAT IS DIRECTED TOWARDS, TARGETS OR IS COMMITTED  
15 AGAINST AN ELDER IF, IN CONNECTION WITH PROVIDING FINANCIAL SERVICES TO THE  
16 ELDER, BOTH OF THE FOLLOWING APPLY:

17 1. THE OFFICER OR EMPLOYEE OF A FINANCIAL INSTITUTION HAS DIRECT  
18 CONTACT WITH THE ELDER OR REVIEWS OR APPROVES THE ELDER'S FINANCIAL  
19 DOCUMENTS, RECORDS OR TRANSACTIONS.

20 2. EITHER OF THE FOLLOWING APPLIES:

21 (a) THE OFFICER OR EMPLOYEE, WITHIN THE SCOPE OF EMPLOYMENT OR  
22 PROFESSIONAL PRACTICE, OBSERVES OR HAS KNOWLEDGE OF AN INCIDENT THAT THE  
23 OFFICER OR EMPLOYEE BELIEVES IN GOOD FAITH TO BE FINANCIAL ABUSE.

24 (b) IF THE OFFICER OR EMPLOYER DOES NOT HAVE DIRECT CONTACT WITH THE  
25 ELDER, THE OFFICER OR EMPLOYER HAS A GOOD FAITH SUSPICION THAT FINANCIAL  
26 ABUSE HAS OCCURRED OR MAY BE OCCURRING, BASED SOLELY ON THE INFORMATION  
27 PRESENT AT THE TIME OF REVIEWING OR APPROVING THE DOCUMENT, RECORD OR  
28 TRANSACTION.

29 B. SUSPECTED FINANCIAL ABUSE OF AN ELDER SHALL BE REPORTED IMMEDIATELY  
30 TO THE OFFICE OF THE ATTORNEY GENERAL BY TELEPHONE AND BY WRITTEN REPORT SENT  
31 WITHIN FIVE BUSINESS DAYS.

32 C. ON NOTIFICATION BY A FINANCIAL INSTITUTION OF SUSPECTED FINANCIAL  
33 ABUSE OF AN ELDER, THE ATTORNEY GENERAL, IN A TIMELY MANNER, SHALL DETERMINE  
34 WHETHER THE ATTORNEY GENERAL HAS JURISDICTION OVER THE ELDER INVOLVED AND IF  
35 NOT SHALL NOTIFY THE FINANCIAL INSTITUTION. THE FINANCIAL INSTITUTION SHALL  
36 THEN NOTIFY THE PROPER LOCAL LAW ENFORCEMENT AGENCY IMMEDIATELY BY TELEPHONE  
37 AND FORWARD THE WRITTEN REPORT TO THE LAW ENFORCEMENT AGENCY WITHIN THREE  
38 BUSINESS DAYS. A FINANCIAL INSTITUTION IS NOT LIABLE FOR FAILING TO REPORT  
39 SUSPECTED FINANCIAL ABUSE TO A LOCAL LAW ENFORCEMENT AGENCY IF THE ATTORNEY  
40 GENERAL FAILS TO NOTIFY THE FINANCIAL INSTITUTION OF THE ATTORNEY GENERAL'S  
41 LACK OF JURISDICTION.

1           D. NOTWITHSTANDING ANY OTHER LAW, ANY PERSON, INCLUDING THE FINANCIAL  
2 INSTITUTION, THAT PARTICIPATES IN THE MAKING OF A REPORT PURSUANT TO THIS  
3 SECTION AND THAT BELIEVES, IN GOOD FAITH, THAT THE ACTION IS WARRANTED BY  
4 FACTS KNOWN TO THAT PERSON SHALL HAVE IMMUNITY FROM ANY LIABILITY, CIVIL OR  
5 CRIMINAL, THAT MIGHT BE OTHERWISE INCURRED OR IMPOSED BY OR AS A RESULT OF  
6 THE MAKING OF THE REPORT. ANY PERSON MAKING THE REPORT SHALL HAVE THE SAME  
7 IMMUNITY WITH RESPECT TO PARTICIPATION IN ANY JUDICIAL PROCEEDING RESULTING  
8 FROM THE REPORT.