

REFERENCE TITLE: financial abuse of elders; reports

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SB 1200

Introduced by
Senators Farley, Hobbs; Representative Orr; Senator Tovar

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 OFFICE OF THE ATTORNEY
14 GENERAL SUSPECTED FINANCIAL ABUSE THAT IS DIRECTED TOWARDS, TARGETS OR IS
15 COMMITTED AGAINST AN ELDER IF, IN CONNECTION WITH PROVIDING FINANCIAL
16 SERVICES TO THE 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 IS IMMUNE FROM ANY LIABILITY, CIVIL OR CRIMINAL,
5 THAT MIGHT OTHERWISE BE INCURRED OR IMPOSED BY OR AS A RESULT OF THE MAKING
6 OF THE REPORT. ANY PERSON MAKING THE REPORT HAS THE SAME IMMUNITY WITH
7 RESPECT TO PARTICIPATION IN ANY JUDICIAL PROCEEDING RESULTING FROM THE
8 REPORT.