

REFERENCE TITLE: financial abuse of elders; reports

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1263

Introduced by
Senators Farley, Dalessandro, Tovar; Representatives Orr, Steele; Senator
Ward; Representatives Brophy McGee, Gray

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; law enforcement; immunity

13 A. A FINANCIAL INSTITUTION SHALL REPORT TO A LOCAL LAW ENFORCEMENT
14 AGENCY 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. A FINANCIAL INSTITUTION SHALL IMMEDIATELY REPORT SUSPECTED
30 FINANCIAL ABUSE OF AN ELDER TO A LOCAL LAW ENFORCEMENT AGENCY BY TELEPHONE
31 AND BY WRITTEN REPORT SENT WITHIN FIVE BUSINESS DAYS.

32 C. NOTWITHSTANDING ANY OTHER LAW, ANY PERSON, INCLUDING THE FINANCIAL
33 INSTITUTION, THAT PARTICIPATES IN THE MAKING OF A REPORT PURSUANT TO THIS
34 SECTION AND THAT BELIEVES, IN GOOD FAITH, THAT THE ACTION IS WARRANTED BY
35 FACTS KNOWN TO THAT PERSON IS IMMUNE FROM ANY LIABILITY, CIVIL OR CRIMINAL,
36 THAT MIGHT OTHERWISE BE INCURRED OR IMPOSED BY OR AS A RESULT OF THE MAKING
37 OF THE REPORT. ANY PERSON MAKING THE REPORT HAS THE SAME IMMUNITY WITH
38 RESPECT TO PARTICIPATION IN ANY JUDICIAL PROCEEDING RESULTING FROM THE
39 REPORT.