

FINAL BILL REPORT

SSB 6202

C 133 L 10
Synopsis as Enacted

Brief Description: Expanding provisions relating to vulnerable adults.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Holmquist, Franklin, Honeyford, McCaslin, Regala, Morton, Keiser, Delvin, Swecker, Rockefeller, Tom, Kline, McAuliffe and Kilmer; by request of Attorney General).

Senate Committee on Human Services & Corrections
House Committee on Public Safety & Emergency Preparedness

Background: A vulnerable adult is defined in Washington law as being a person 60 years of age or older who: has the functional, mental, or physical inability to care for himself or herself; is incapacitated; has a developmental disability; is admitted to a licensed facility; or receives services from home health, hospice, or home care agencies. The Department of Social and Health Services (DSHS) investigates reports of abuse, abandonment, financial exploitation, and neglect of vulnerable adults.

Exploitation or abuse of a vulnerable adult may also constitute a violation of criminal law. A prosecutor may seek an exceptional sentence to enhance the sentence of a defendant convicted of a crime against a victim who is particularly vulnerable, incapable of resistance, or who was the victim of an abuse of trust, confidence, or fiduciary responsibility.

A mandated reporter is a person who has a duty to report suspected assault, financial exploitation, abandonment, abuse, or neglect of a vulnerable adult to DSHS. Mandated reporters include social service and health care providers, social workers, and law enforcement.

Summary: A financial institution, including a broker-dealer or investment advisor, which reasonably believes that financial exploitation of a vulnerable adult has occurred or is being attempted may, but is not required to, refuse a transaction pending investigation by the financial institution, DSHS, or law enforcement. The financial institution and its employees are immune from civil liability for making this determination in good faith. The financial institution must provide notice to all interested persons if the financial institution has contact information, and must notify law enforcement and DSHS. The hold on the transaction must expire after five business days, or ten business days if the transaction involves a sale of securities, unless extended by court order.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A financial institution must ensure that existing employees who have contact with customers and account information receive training concerning the financial exploitation of vulnerable adults.

A mandated reporter must report the death of a vulnerable adult to a medical examiner or coroner and law enforcement when the mandated reporter suspects that the death was caused by abuse, neglect, or abandonment.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: June 10, 2010