



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Nicholas A. Keller

Sub. S.B. 158

132nd General Assembly

(As Re-Referred by H. Rules and Reference)

Sens. Wilson, Terhar, Coley, Gardner, Eklund, Hottinger, Manning, O'Brien, Balderson, Beagle, Brown, Burke, Dolan, Hackett, Hoagland, Huffman, Jordan, Kunze, LaRose, Lehner, Oelslager, Peterson, Skindell, Sykes, Tavares, Thomas, Uecker, Williams, Yuko

Rep. Schaffer

BILL SUMMARY

- Increases the penalties for theft from a person in a protected class, misuse of credit cards, forgery, forging identification cards or selling or distributing forged identification cards, securing writings by deception, or identity fraud against a person in a protected class if the victim of any of those offenses is an elderly person.
- Adds to the list of individuals who, having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition resulting from such abuse, neglect, or exploitation, must immediately report that belief to the county department of job and family services.
- Modifies the list of officials who must sign the continuing law memoranda of understanding prepared by county departments of job and family services on the procedures that must be followed by those officials related to cases of adult abuse, neglect, and exploitation.
- Requires the Attorney General to distribute public awareness publications that provide general information on elder fraud and financial exploitation.
- Requires the Director of Aging, the Director of Commerce, the Director of Job and Family Services, and the Attorney General to develop best practices and standards for preventing elder fraud and financial exploitation and to ensure resources are available to victims.
- Adds five members and one ex-officio member to the Elder Abuse Commission.

CONTENT AND OPERATION

Elderly victims of theft or fraud offenses

The bill increases the penalty for theft from a person in a protected class, misuse of credit cards, forgery, forging identification cards or selling or distributing forged identification cards, securing writings by deception, and identity fraud against a person in a protected class, in cases where the victim of the offense is an elderly person. Under continuing law, an elderly person is a person who is 65 or older.¹ Under the bill, an offender who commits any of these offenses in which an elderly person is the victim must pay full restitution to the victim and an additional fine of up to \$50,000. The clerk of court must forward all fines collected under the bill to the county department of job and family services to be used for the reporting and investigation of elder abuse, neglect, and exploitation or for the provision or arrangement of protective services under continuing law.²

Mandatory reporters of adult abuse, neglect, or exploitation

Beginning on September 29, 2018, the bill requires securities dealers, salespersons, or investment adviser representatives licensed under Ohio's Securities Law,³ having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation, to report that belief to the county department of job and family services.⁴

Many individuals are already subject to this mandatory reporting requirement under current (and continuing) law, including attorneys, physicians, psychologists, senior service providers, peace officers, coroners, members of the clergy, employees of community mental health facilities, counselors, and social workers.⁵

Public awareness publications on elder fraud and financial exploitation

The bill requires the Attorney General to distribute at least six public awareness publications each year that provide general information on elder fraud and financial

¹ R.C. 2913.01(CC), not in the bill.

² R.C. 2913.02(B)(3), 2913.21(D)(4), 2913.31(C)(1)(d) and (C)(2)(b), 2913.43(B)(3), and 2913.49(I)(3).

³ R.C. Chapter 1707.

⁴ Future version of R.C. 5101.63, taking effect September 29, 2018.

⁵ Current R.C. 5101.61, effective until September 29, 2018, and future version of R.C. 5101.63, taking effect September 29, 2018.



exploitation of the elderly. The awareness publications must include information on all of the following:⁶

- Warning signs that may signal that fraud or financial exploitation are occurring;
- Methods for reporting elder fraud or financial exploitation, including a list of agencies that handle those reports;
- Services and resources that may be available to prevent or remedy elder fraud or financial exploitation.

Memorandum of understanding

The bill also modifies the list of officials who must sign a continuing law memorandum of understanding prepared by county departments of job and family services on the procedures that must be followed by those officials related to cases of adult abuse, neglect, or exploitation. Under current law, all chief municipal peace officers in each county must sign the memorandum of understanding. The bill instead requires only the chief peace officer of the largest municipality within the county to sign the memorandum.⁷

Best practices and standards for preventing elder fraud and financial exploitation

Under the bill, the Director of Aging, the Director of Commerce, the Director of Job and Family Services, and the Attorney General or the Attorney General's designee must develop best practices and standards for preventing elder fraud and financial exploitation, must provide education on the subject, and must ensure that services and resources are available to victims of elder fraud and financial exploitation. The Directors must do all of these things in consultation with county departments of job and family services, adult protective services agencies, the Ohio Bankers League, the Community Bankers Association of Ohio, the Ohio Credit Union League, and the Securities Industry and Financial Markets Association. The Directors must create a report of the best practices and standards and provide a copy of that report to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives by December 1, 2018.⁸

⁶ R.C. 109.67.

⁷ R.C. 5101.621.

⁸ R.C. 173.95.



Elder Abuse Commission

The bill adds all of the following members, appointed by the Attorney General, to the Elder Abuse Commission:⁹

- A representative of the State Medical Board;
- A representative of the Community Bankers Association of Ohio;
- A representative of an organization representing the interests of senior centers;
- A representative of an organization representing the policy interests of seniors;
- A representative of a research-based academia representing elder abuse research.

The bill also adds the Director of Commerce or the Director's designee to the Commission as an ex-officio member. Members are added to the Commission effective September 29, 2018.¹⁰

Technical changes

The bill makes a number of technical and conforming changes to the Adult Protective Services Law to correct inconsistencies and cross-reference errors that were enacted in, or resulted from vetoed portions of, Am. Sub. H.B. 49 of the 132nd General Assembly.¹¹

HISTORY

ACTION	DATE
Introduced	05-25-17
Reported, S. Judiciary	01-31-18
Passed Senate (33-0)	03-21-18
Reported, H. Aging and Long Term Care	06-07-18
Re-Referred, by H. Rules and Reference	11-27-18

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⁹ Future version of R.C. 5101.74(A)(1), taking effect September 29, 2018.

¹⁰ Future version of R.C. 5101.74(A)(2), taking effect September 29, 2018.

¹¹ R.C. 5101.621(A)(2), (B)(2), and (C)(2); the future versions of R.C. 5101.60(U) and 5101.652, taking effect September 29, 2018; and Section 6.

