



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Nicholas A. Keller

S.B. 158

132nd General Assembly
(As Introduced)

Sens. Wilson, Terhar, Coley, Gardner, Eklund, Hottinger, Manning

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 a number of individuals 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.
 - Requires the Attorney General to publish public service announcements that provide general information on elder fraud and financial exploitation.
 - Requires the Director of Aging, the Director of Commerce, and the Director of Job and Family Services, in consultation with adult protective service agencies and specified financial institution interest groups, to develop best practices and standards for preventing elder fraud and financial exploitation.
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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 and exploitation under continuing law.²

Mandatory reporters of adult abuse, neglect, or exploitation

The bill requires all of the following additional individuals 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:³

- Certified public accountants and public accountants;
- Financial planners accredited by a nationally recognized accreditation agency;
- Notaries public;
- Real estate brokers and real estate salespersons;
- Securities dealers, investment advisers, salespersons, or investment adviser representatives licensed under Ohio's Securities Law;⁴
- Employees of a bank, savings and loan association, savings bank, or credit union.

Many individuals are already subject to this mandatory reporting requirement under current 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.

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. 5101.61.

⁴ R.C. Chapter 1707.



Public service announcements on elder fraud and financial exploitation

The bill requires the Attorney General to publish at least six public service announcements each year that provide general information on elder fraud and financial exploitation of the elderly. The announcements may be created by the Attorney General or by trade groups and must provide general information on all of the following:⁵

- 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.

Best practices and standards for preventing elder fraud and financial exploitation

Under the bill, the Director of Aging, the Director of Commerce, and the Director of Job and Family Services must develop best practices and standards for preventing elder fraud and financial exploitation and must provide education on the subject. The Directors must develop these best practices and standards in consultation with county departments of job and family services, adult protective services agencies, the Ohio Bankers League, the Community Bankers Association of Ohio, and the Ohio Credit Union League. 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, 2018.⁶

Additionally, the Director of Job and Family Services must work with county departments of job and family services, adult protective service agencies, and county prosecutors to ensure that service and resources are available to victims of elder fraud and exploitation.⁷

⁵ R.C. 109.67.

⁶ R.C. 173.95(A) and (C).

⁷ R.C. 173.95(B).



HISTORY

ACTION

DATE

Introduced

05-25-17

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