

HOUSE BILL 604

E1

5lr2636
CF SB 466

By: **The Speaker (By Request – Office of the Attorney General)**

Introduced and read first time: January 23, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vulnerable and Senior Adults – Theft of Property by Caregiver, Family Member,**
3 **or Household Member – Prohibition**

4 FOR the purpose of prohibiting a caregiver, family member, or household member from
5 knowingly and willfully obtaining the property of an individual the caregiver, family
6 member, or household member knows or reasonably should know is a vulnerable or
7 senior adult with the intent to deprive the vulnerable or senior adult of the property;
8 making a violation of this Act an unfair, abusive, or deceptive trade practice that is
9 subject to enforcement and penalties under the Maryland Consumer Protection Act;
10 authorizing the Senior and Vulnerable Adult Asset Recovery Unit in the Office of the
11 Attorney General and the Commissioner of the Division of Securities in the Office of
12 the Attorney General to bring certain civil actions for a violation of this Act;
13 establishing that certain requirements for the administrative release of eligible
14 incarcerated individuals apply to certain individuals convicted for a violation of this
15 Act; establishing the exclusive original jurisdiction of the District Court for a case
16 charging an adult with a violation of this Act; authorizing a State's Attorney to file
17 a certain petition to freeze assets of a defendant charged with a violation of this Act;
18 establishing that a person convicted under this Act is disqualified from inheriting,
19 taking, enjoying, receiving, or otherwise benefiting from the estate, insurance
20 proceeds, or property of the victim; and generally relating to vulnerable and senior
21 adults.

22 BY repealing and reenacting, with amendments,
23 Article – Commercial Law
24 Section 13–204(a)(15), 13–301(14)(xxiv), and 14–4303
25 Annotated Code of Maryland
26 (2013 Replacement Volume and 2024 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – Corporations and Associations
29 Section 11–209

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2024 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Correctional Services
5 Section 7–301.1(a)(1)
6 Annotated Code of Maryland
7 (2017 Replacement Volume and 2024 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 7–301.1(a)(3)(ii)2.
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 4–301(b)(18)
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2024 Supplement)

18 BY adding to
19 Article – Criminal Law
20 Section 7–104.1
21 Annotated Code of Maryland
22 (2021 Replacement Volume and 2024 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Criminal Law
25 Section 7–108
26 Annotated Code of Maryland
27 (2021 Replacement Volume and 2024 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – Criminal Procedure
30 Section 4–206(b) and (d)
31 Annotated Code of Maryland
32 (2018 Replacement Volume and 2024 Supplement)

33 BY repealing and reenacting, with amendments,
34 Article – Estates and Trusts
35 Section 11–111(a) and (d)
36 Annotated Code of Maryland
37 (2022 Replacement Volume and 2024 Supplement)

38 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
39 That the Laws of Maryland read as follows:

Article – Commercial Law

13–204.

(a) In addition to any other of its powers and duties, the Division has the powers and duties to:

(15) (i) Bring a civil action for damages or an action under this title against a person who violates **§ 7–104.1 OR** § 8–801 of the Criminal Law Article on behalf of a victim of the offense or, if the victim is deceased, the victim’s estate;

(ii) Recover damages under this item for property loss or damage;

and

(iii) If the Division prevails in an action brought under this item, recover the costs of the action for the use of the Office of the Attorney General; and

13-301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xxiv) Section 7-304, **§ 7-104.1**, or § 8-801 of the Criminal Law Article;

14-4303.

(a) The purpose of the Unit is to protect seniors and vulnerable adults from financial crimes under **§ 7-104.1 OR** § 8-801 of the Criminal Law Article.

(b) The Unit may bring a civil action under § 13–204(a)(15) of this article or § 11–209(a) of the Corporations and Associations Article for damages against a person who violates **§ 7–104.1 OR** § 8–801 of the Criminal Law Article.

(c) A conviction for an offense under **§ 7-104.1 OR** § 8-801 of the Criminal Law Article is not a prerequisite for maintenance of an action under subsection (b) of this section.

Article – Corporations and Associations

11-209.

(a) The Commissioner may:

(1) (i) Bring a civil action for damages against a person that violates § 7–104.1 OR § 8–801 of the Criminal Law Article on behalf of a victim of the violation or, if the victim is deceased, the victim’s estate;

(ii) Recover damages under this subsection for property loss or damage; and

(iii) If the Commissioner prevails in an action brought under this paragraph, recover the costs of the action for the use of the Office of the Attorney General; and

(2) (i) Bring a civil action for damages on behalf of a susceptible adult or older adult who is authorized to bring a cause of action under § 13–603 of the Estates and Trusts Article; and

(ii) If the Commissioner prevails in an action brought under this paragraph, recover the costs of the action for the use of the Office of the Attorney General.

(b) A conviction for a violation of § 7–104.1 OR § 8–801 of the Criminal Law Article is not a prerequisite for maintenance of an action under subsection (a) of this section.

Article – Correctional Services

7–301.1.

(a) (1) In this section the following words have the meanings indicated.

(3) “Eligible incarcerated individual” means an incarcerated individual who:

(ii) is serving a sentence for which the most serious offense is:

2. a violation involving a value of \$1,500 or less of § 7–104, § 7–104.1, § 8–103, § 8–206, § 8–207, § 8–209, § 8–301, § 8–509, § 8–510, § 8–511, § 8–512, § 8–513, § 8–514, § 8–515, § 8–611, or § 8–801 of the Criminal Law Article;

Article – Courts and Judicial Proceedings

4–301.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(18) Violation of § 7–104.1 OR § 8–801 of the Criminal Law Article;

Article – Criminal Law

7-104.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CAREGIVER” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.

(3) “FAMILY MEMBER” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.

(4) “HOUSEHOLD MEMBER” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.

(5) “VULNERABLE ADULT” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.

(B) A CAREGIVER, FAMILY MEMBER, OR HOUSEHOLD MEMBER OF AN INDIVIDUAL MAY NOT KNOWINGLY AND WILLFULLY OBTAIN THE PROPERTY OF THE INDIVIDUAL WITH INTENT TO DEPRIVE THE INDIVIDUAL OF THE INDIVIDUAL’S PROPERTY IF THE CAREGIVER, FAMILY MEMBER, OR HOUSEHOLD MEMBER KNOWS OR REASONABLY SHOULD KNOW THAT:

(1) THE INDIVIDUAL IS A VULNERABLE ADULT; OR

(2) THE INDIVIDUAL IS AT LEAST 68 YEARS.

(C) (1) (I) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION WHEN THE VALUE OF THE PROPERTY IS AT LEAST \$1,500 BUT LESS THAN \$25,000 IS GUILTY OF A FELONY AND:

1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; AND

2. SHALL RESTORE THE PROPERTY TAKEN OR ITS VALUE TO THE OWNER OR, IF THE OWNER IS DECEASED, RESTORE THE PROPERTY OR ITS VALUE TO THE OWNER’S ESTATE.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION WHEN THE VALUE OF THE PROPERTY IS AT LEAST \$25,000 BUT LESS THAN \$100,000 IS GUILTY OF A FELONY AND:

1 1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10
2 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH; AND

3 2. SHALL RESTORE THE PROPERTY TAKEN OR ITS VALUE
4 TO THE OWNER OR, IF THE OWNER IS DECEASED, RESTORE THE PROPERTY OR ITS
5 VALUE TO THE OWNER'S ESTATE.

6 (III) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION
7 WHEN THE VALUE OF THE PROPERTY IS \$100,000 OR MORE IS GUILTY OF A FELONY
8 AND:

9 1. IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20
10 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH; AND

11 2. SHALL RESTORE THE PROPERTY TAKEN OR ITS VALUE
12 TO THE OWNER OR, IF THE OWNER IS DECEASED, RESTORE THE PROPERTY OR ITS
13 VALUE TO THE OWNER'S ESTATE.

14 (2) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION WHEN
15 THE VALUE OF THE PROPERTY IS LESS THAN \$1,500 IS GUILTY OF A MISDEMEANOR
16 AND:

17 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR
18 A FINE NOT EXCEEDING \$500 OR BOTH; AND

19 (II) SHALL RESTORE THE PROPERTY TAKEN OR ITS VALUE TO
20 THE OWNER OR, IF THE OWNER IS DECEASED, RESTORE THE PROPERTY OR ITS
21 VALUE TO THE OWNER'S ESTATE.

22 (D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM
23 AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED
24 ON THE ACT OR ACTS ESTABLISHING THE VIOLATION OF THIS SECTION.

25 (E) (1) IF A DEFENDANT FAILS TO RESTORE FULLY THE PROPERTY
26 TAKEN OR ITS VALUE AS ORDERED UNDER SUBSECTION (C) OF THIS SECTION, THE
27 DEFENDANT IS DISQUALIFIED, TO THE EXTENT OF THE DEFENDANT'S FAILURE TO
28 RESTORE THE PROPERTY OR ITS VALUE, FROM INHERITING, TAKING, ENJOYING,
29 RECEIVING, OR OTHERWISE BENEFITING FROM THE ESTATE, INSURANCE
30 PROCEEDS, OR PROPERTY OF THE VICTIM OF THE OFFENSE, WHETHER BY
31 OPERATION OF LAW OR PURSUANT TO A LEGAL DOCUMENT EXECUTED OR ENTERED
32 INTO BY THE VICTIM BEFORE THE DEFENDANT HAS BEEN CONVICTED UNDER THIS
33 SECTION.

1 **(2) THE DEFENDANT HAS THE BURDEN OF PROOF WITH RESPECT TO**
2 **ESTABLISHING UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT THE DEFENDANT**
3 **HAS FULLY RESTORED THE PROPERTY TAKEN OR ITS VALUE.**

4 **(F) THIS SECTION MAY NOT BE CONSTRUED TO IMPOSE CRIMINAL**
5 **LIABILITY ON A PERSON WHO, AT THE REQUEST OF THE VICTIM OF THE OFFENSE,**
6 **THE VICTIM'S FAMILY, OR THE COURT-APPOINTED GUARDIAN OF THE VICTIM, HAS**
7 **MADE A GOOD FAITH EFFORT TO ASSIST THE VICTIM IN THE MANAGEMENT OF OR**
8 **TRANSFER OF THE VICTIM'S PROPERTY.**

9 **(G) IN ADDITION TO ANY PENALTIES SET FORTH IN THIS SECTION, A**
10 **VIOLATION OF THIS SECTION:**

11 **(1) IS AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN**
12 **THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND**

13 **(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**
14 **CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.**

15 7-108.

16 (a) An indictment, information, warrant, or other charging document for theft
17 under this part, other than for taking a motor vehicle under § 7-105 of this part, is sufficient
18 if it substantially states:

19 “(name of defendant) on (date) in (county) stole (property or services stolen) of (name
20 of victim), having a value of (less than \$1,500, at least \$1,500 but less than \$25,000, at least
21 \$25,000 but less than \$100,000, or \$100,000 or more) in violation of § 7-104 **OR § 7-104.1**
22 of the Criminal Law Article, against the peace, government, and dignity of the State.”.

23 (b) An indictment, information, warrant, or other charging document for theft
24 under this part for taking a motor vehicle under § 7-105 of this part is sufficient if it
25 substantially states:

26 “(name of defendant) on (date) in (county) knowingly and willfully took a motor
27 vehicle out of (name of victim)'s lawful custody, control, or use, without the consent of (name
28 of victim), in violation of § 7-105 of the Criminal Law Article, against the peace,
29 government, and dignity of the State.”.

30 (c) In a case in the circuit court in which the general form of indictment or
31 information is used to charge a defendant with a crime under this part, the defendant, on
32 timely demand, is entitled to a bill of particulars.

(d) Unless specifically charged by the State, theft of property or services with a value of less than \$100 as provided under § 7–104(g)(3) of this subtitle may not be considered a lesser included crime of any other crime.

Article – Criminal Procedure

4–206.

(b) A State’s Attorney may file a petition to freeze assets of a defendant charged with violating **§ 7–104.1 OR** § 8–801 of the Criminal Law Article with the circuit court of the county in which the defendant was charged if:

(1) the petition is filed within 60 days of the defendant being charged with a violation of § 8–801 of the Criminal Law Article;

(2) the alleged value of lost or stolen property in the criminal charge giving rise to the petition is \$10,000 or more;

(3) the amount of money subject to the petition does not exceed the alleged value of lost or stolen property in the criminal charge giving rise to the petition; and

(4) the State’s Attorney sends a notice of intent to file a petition to each financial institution in possession of money subject to the petition.

(d) A court may grant a petition to freeze assets and issue an order to freeze assets if the State’s Attorney proves by a preponderance of the evidence that:

(1) the defendant has a legal, equitable, or possessory interest in the money listed in the petition; and

(2) the money listed in the petition is not jointly held unless the State’s Attorney also proves by a preponderance of the evidence that:

(i) the defendant transferred the defendant’s money to avoid being subject to an order to freeze assets; or

(ii) the money listed in the petition was used in connection with a violation of **§ 7–104.1 OR** § 8–801 of the Criminal Law Article.

Article – Estates and Trusts

11–111.

(a) A person convicted of unlawfully obtaining property from a victim in violation of **§ 7–104.1(B) OR** § 8–801(b) of the Criminal Law Article shall be disqualified from inheriting, taking, enjoying, receiving, or otherwise benefitting from the estate, insurance

1 proceeds, or property of the victim, to the extent provided in **§ 7–104.1(E) OR** § 8–801(e) of
2 the Criminal Law Article.

3 (d) A fiduciary or other person who distributes property in good faith and without
4 actual knowledge of a conviction under **§ 7–104.1 OR** § 8–801 of the Criminal Law Article
5 is not personally liable for the distribution.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2025.