

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 648

Representatives Brown, Scherer

**Cosponsors: Representatives Antonio, Holmes, West, Ingram, Celebrezze, Hill,
Cera, Kent**

A BILL

To enact sections 1182.01, 1182.02, and 1315.051 of 1
the Revised Code to establish the Suspicious 2
Wire Transfers Temporary Hold Act. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1182.01, 1182.02, and 1315.051 of 4
the Revised Code be enacted to read as follows: 5

Sec. 1182.01. As used in this section and section 1182.02 6
of the Revised Code: 7

(A) "Financial exploitation" means the wrongful or 8
unauthorized taking, withholding, appropriation, or use of the 9
money, assets, or other property or the identifying information 10
of a person. 11

(B) "Financial institution" means a federally or state- 12
chartered bank, savings bank, savings and loan association, or 13
credit union, or a subsidiary or affiliate of a bank, savings 14
bank, or savings and loan association. 15

(C) "Vulnerable adult" means a person who is either of the 16

following: 17

(1) Sixty years of age or older; 18

(2) At least eighteen years of age and, due to a mental or 19
physical disability, is incapable of managing or directing the 20
management of the person's own property. 21

Sec. 1182.02. (A) An employee of a financial institution 22
may place a hold on a transaction related to the account of a 23
vulnerable adult if the employee reasonably believes the 24
transaction is related to financial exploitation of the 25
vulnerable adult. Before placing the hold, the employee shall 26
report the suspected financial exploitation to a supervisor of 27
the employee. 28

(B) The hold pursuant to division (A) of this section 29
shall not exceed fifteen days from the date the transaction was 30
requested. 31

(C) If a hold is placed on a transaction pursuant to 32
division (A) of this section, then the financial institution 33
shall notify all of the following of the suspected financial 34
exploitation: 35

(1) The vulnerable adult and any other authorized user on 36
the account of the vulnerable adult; 37

(2) Any trustee overseeing the account of the vulnerable 38
adult; 39

(3) An attorney in fact or legal guardian of the 40
vulnerable adult on file with the financial institution; and 41

(4) The division of consumer protection of the office of 42
the attorney general. 43

(D) Notification of the suspected financial exploitation 44
under division (C) of this section or any other notice shall not 45
be made to any person who is suspected of financial exploitation 46
or other abuse of the vulnerable adult. 47

(E) A notice provided under division (C) of this section 48
is not a public record. 49

(F) Notwithstanding any other provision of law to the 50
contrary, an employee of a financial institution or a financial 51
institution that in good faith and with the exercise of 52
reasonable care places or does not place a hold on any 53
transaction pursuant to division (A) of this section is immune 54
from any civil or criminal liability or disciplinary action 55
resulting from that action or failure to act. 56

(G) The attorney general shall adopt rules to implement 57
this section, which shall include procedures for and the content 58
of the notices required under division (C) of this section. 59

Sec. 1315.051. (A) As used in this section: 60

(1) "Financial exploitation" means the wrongful or 61
unauthorized taking, withholding, appropriation, or use of the 62
money, assets, or other property or the identifying information 63
of a person. 64

(2) "Qualified individual" means any of following: 65

(a) A money transmitter licensed under section 1315.02 of 66
the Revised Code to receive, directly or indirectly, for 67
transmission, money or its equivalent from persons located in 68
this state; 69

(b) An authorized delegate or other agent of the money 70
transmitter licensed under section 1315.02 of the Revised Code; 71

(c) An employee of the money transmitter licensed under 72
section 1315.02 of the Revised Code or an employee of an 73
authorized delegate or other agent of the money transmitter. 74

(d) "Qualified individual" does not include a financial 75
institution as defined in section 1182.01 of the Revised Code. 76

(3) "Vulnerable adult" means a person who is either of the 77
following: 78

(a) Sixty years of age or older; 79

(b) At least eighteen years of age and, due to a mental or 80
physical disability, is incapable of managing or directing the 81
management of the person's own property. 82

(B) A qualified individual may place a hold on a 83
transaction related to a vulnerable adult if the qualified 84
individual reasonably believes the transaction is related to 85
financial exploitation of the vulnerable adult. Before placing 86
the hold, the qualified individual shall report the suspected 87
financial exploitation to a supervisor or controlling person, as 88
applicable. 89

(C) The hold pursuant to division (B) of this section 90
shall not exceed fifteen days from the date the transaction was 91
requested. 92

(D) If a hold is placed on a transaction pursuant to 93
division (B) of this section, then a qualified individual shall 94
notify all of the following of the suspected financial 95
exploitation: 96

(1) The vulnerable adult; 97

(2) An attorney in fact or legal guardian of the 98
vulnerable adult, if known by the qualified individual; 99

(3) The division of consumer protection of the office of the attorney general. 100
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(E) Notification of the suspected financial exploitation under division (D) of this section or any other notice shall not be made to any person who is suspected of financial exploitation or other abuse of the vulnerable adult. 102
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(F) Any notice provided under division (D) of this section is not a public record. 106
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(G) Notwithstanding any other provision of law to the contrary, a qualified individual that in good faith and with the exercise of reasonable care places or does not place a hold on any transaction pursuant to division (B) of this section is immune from any civil or criminal liability or disciplinary action resulting from that action or failure to act. 108
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(H) The attorney general shall adopt rules to implement this section, which shall include the procedures for and the content of the notices required under division (D) of this section. 114
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Section 2. This act shall be known as the "Suspicious Wire Transfers Temporary Hold Act." 118
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