

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

<u>following:</u>	17
<u>(1) Sixty years of age or older;</u>	18
<u>(2) At least eighteen years of age and, due to a mental or</u> <u>physical disability, is incapable of managing or directing the</u> <u>management of the person's own property.</u>	19 20 21
<u>Sec. 1182.02. (A) An employee of a financial institution</u> <u>may place a hold on a transaction related to the account of a</u> <u>vulnerable adult if the employee reasonably believes the</u> <u>transaction is related to financial exploitation of the</u> <u>vulnerable adult. Before placing the hold, the employee shall</u> <u>report the suspected financial exploitation to a supervisor of</u> <u>the employee.</u>	22 23 24 25 26 27 28
<u>(B) The hold pursuant to division (A) of this section</u> <u>shall not exceed fifteen days from the date the transaction was</u> <u>requested.</u>	29 30 31
<u>(C) If a hold is placed on a transaction pursuant to</u> <u>division (A) of this section, then the financial institution</u> <u>shall notify all of the following of the suspected financial</u> <u>exploitation:</u>	32 33 34 35
<u>(1) The vulnerable adult and any other authorized user on</u> <u>the account of the vulnerable adult;</u>	36 37
<u>(2) Any trustee overseeing the account of the vulnerable</u> <u>adult;</u>	38 39
<u>(3) An attorney in fact or legal guardian of the</u> <u>vulnerable adult on file with the financial institution; and</u>	40 41
<u>(4) The division of consumer protection of the office of</u> <u>the attorney general.</u>	42 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 section 1315.02 of the Revised Code or an employee of an authorized delegate or other agent of the money transmitter. 72
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(d) "Qualified individual" does not include a financial institution as defined in section 1182.01 of the Revised Code. 75
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(3) "Vulnerable adult" means a person who is either of the following: 77
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(a) Sixty years of age or older; 79

(b) At least eighteen years of age and, due to a mental or physical disability, is incapable of managing or directing the management of the person's own property. 80
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(B) A qualified individual may place a hold on a transaction related to a vulnerable adult if the qualified individual reasonably believes the transaction is related to financial exploitation of the vulnerable adult. Before placing the hold, the qualified individual shall report the suspected financial exploitation to a supervisor or controlling person, as applicable. 83
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(C) The hold pursuant to division (B) of this section shall not exceed fifteen days from the date the transaction was requested. 90
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(D) If a hold is placed on a transaction pursuant to division (B) of this section, then a qualified individual shall notify all of the following of the suspected financial exploitation: 93
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(1) The vulnerable adult; 97

(2) An attorney in fact or legal guardian of the vulnerable adult, if known by the qualified individual; 98
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(3) The division of consumer protection of the office of 100
the attorney general. 101

(E) Notification of the suspected financial exploitation 102
under division (D) of this section or any other notice shall not 103
be made to any person who is suspected of financial exploitation 104
or other abuse of the vulnerable adult. 105

(F) Any notice provided under division (D) of this section 106
is not a public record. 107

(G) Notwithstanding any other provision of law to the 108
contrary, a qualified individual that in good faith and with the 109
exercise of reasonable care places or does not place a hold on 110
any transaction pursuant to division (B) of this section is 111
immune from any civil or criminal liability or disciplinary 112
action resulting from that action or failure to act. 113

(H) The attorney general shall adopt rules to implement 114
this section, which shall include the procedures for and the 115
content of the notices required under division (D) of this 116
section. 117

Section 2. This act shall be known as the "Suspicious Wire 118
Transfers Temporary Hold Act." 119