

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 182

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE UNIFORM SECURITIES ACT; AMENDING CHAPTER 14, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-14-511, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE PROTECTION OF CERTAIN ADULTS FROM FINANCIAL EXPLOITATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 14, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 30-14-511, Idaho Code, and to read as follows:

30-14-511. PROTECTION OF CERTAIN ADULTS FROM FINANCIAL EXPLOITATION. (1) In this section, unless the context otherwise requires:

(a) "Authorized agencies" means the Idaho commission on aging and the department of finance.

(b) "Financial exploitation" means:

(i) The wrongful or unauthorized taking, withholding, appropriation, or use of a specified adult's funds or securities; or

(ii) Any act or omission by a person, including through the use of a power of attorney, guardianship, or any other authority regarding a specified adult, to:

1. Obtain control through deception, intimidation, or undue influence over a specified adult's money, assets, or property; or

2. Convert a specified adult's money, assets, or property.

(c) "Financial institution" means any:

(i) State or federally chartered bank, savings bank, savings and loan association, thrift institution, holding company, credit union, or credit union service organization;

(ii) Regulated lender subject to the provisions of the Idaho credit code, title 28, Idaho Code;

(iii) Collection agency, credit counselor, debt counselor, or credit repair organization subject to the provisions of the Idaho collection agency act, chapter 22, title 26, Idaho Code;

(iv) Mortgage lender, mortgage broker, or loan originator subject to the provisions of the Idaho residential mortgage practices act, chapter 31, title 26, Idaho Code;

(v) Money transmitters subject to the Idaho money transmitters act, chapter 29, title 26, Idaho Code;

(vi) Escrow agency subject to the provisions of the Idaho escrow act, chapter 9, title 30, Idaho Code; or

(vii) Broker-dealer or investment adviser subject to the provisions of the Idaho uniform securities act (2004), chapter 14, ti-

- 1 tle 30, Idaho Code, or person licensed or registered as a broker-
2 dealer or investment adviser pursuant to federal law or the laws of
3 another state and doing business in Idaho.
- 4 (d) "Reporting person" means:
5 (i) A broker-dealer as defined in this chapter;
6 (ii) An investment adviser as defined in this chapter; or
7 (iii) A financial institution.
- 8 (e) "Specified adult" means:
9 (i) A natural person sixty-five (65) years of age or older; or
10 (ii) A natural person eighteen (18) years of age or older who a
11 reporting person reasonably believes has a mental or physical
12 impairment that renders such natural person unable to protect
13 his own interests. A reporting person's reasonable belief may be
14 based on facts and circumstances observed in the reporting per-
15 son's business relationship with the natural person.
- 16 (2) (a) If a reporting person reasonably believes that financial ex-
17 ploitation of a specified adult has occurred, is occurring, has been
18 attempted, or will be attempted, the reporting person may notify the
19 following:
20 (i) Either of the authorized agencies; and
21 (ii) Any third party that is:
22 1. Reasonably associated with the specified adult; or
23 2. Otherwise permitted by law.
- 24 (b) Any report or disclosure made to authorized agencies pursuant to
25 this subsection shall be confidential and is subject to the confiden-
26 tiality requirements of section 30-14-607, Idaho Code. The name of the
27 reporting person shall not be revealed to any person outside of the au-
28 thorized agencies without the permission of the reporting person.
- 29 (3) (a) A reporting person may place a temporary hold on a transaction
30 in or disbursement from an account of a specified adult or an account on
31 which a specified adult is a beneficiary if:
32 (i) The reporting person fulfills any reporting obligations the
33 reporting person may have regarding the status of a transaction or
34 disbursement pursuant to applicable state or federal law or regu-
35 lation;
36 (ii) The reporting person reasonably believes that financial ex-
37 ploitation of a specified adult has occurred, is occurring, has
38 been attempted, or will be attempted; and
39 (iii) No later than two (2) business days after the date the tem-
40 porary hold was first placed, oral or written notification, which
41 may be electronic, of the temporary hold and the reason for the
42 temporary hold is made to:
43 1. All parties authorized to transact business on the ac-
44 count; and
45 2. Any person eighteen (18) years of age or older authorized
46 by the specified adult or such specified adult's legal rep-
47 resentative, in writing, to be contacted about the specified
48 adult's account.

1 (b) (i) Unless otherwise provided in subparagraph (ii) of this
2 paragraph, any temporary hold authorized by this subsection shall
3 expire upon the sooner of:

4 1. A determination by the reporting person that the dis-
5 bursement or transaction will not result in financial ex-
6 ploitation of the specified adult; or

7 2. No later than fifteen (15) business days after the date
8 the reporting person first placed the temporary hold, un-
9 less the reporting person's internal review of the facts and
10 circumstances supports such person's reasonable belief that
11 financial exploitation of the specified adult has occurred,
12 is occurring, has been attempted, or will be attempted, in
13 which case the reporting person may extend the expiration to
14 no later than thirty (30) business days after the date the
15 reporting person first placed the temporary hold.

16 (ii) At any time, an agency of competent jurisdiction, including
17 but not limited to either of the authorized agencies or a court of
18 competent jurisdiction, may terminate or extend a temporary hold
19 authorized by this subsection.

20 (4) Notwithstanding the provisions of subsections (2) and (3) of this
21 section, a notification permitted or required by this section shall not be
22 made to any person who is reasonably suspected of financial exploitation or
23 other abuse of the specified adult.

24 (5) (a) A reporting person shall provide access to or copies of records
25 that are relevant to the suspected or attempted financial exploitation
26 of a specified adult to either of the authorized agencies or to any other
27 agency charged with administering state adult protective services laws
28 and to law enforcement.

29 (b) The records may include historical records as well as records re-
30 lating to the most recent disbursement or disbursements that may com-
31 promise financial exploitation of a specified adult.

32 (6) Notwithstanding any provision of law to the contrary, either of the
33 authorized agencies may disclose to any reporting person the general status
34 or final disposition of any investigation that arose from a report made by
35 the reporting person.

36 (7) A reporting person that exercises good faith in making disclosures,
37 releasing a temporary hold, or providing access to records pursuant to the
38 provisions of this section shall be immune from any administrative or civil
39 liability that might otherwise arise from such activities except when it is
40 proven, by clear and convincing evidence, that the reporting person acted in
41 bad faith with the specific intent to harm the specified adult. For the pur-
42 poses of this subsection, "bad faith" means a dishonest belief or purpose,
43 untrustworthy performance of duties, or a fraudulent intent.

44 SECTION 2. An emergency existing therefor, which emergency is hereby
45 declared to exist, this act shall be in full force and effect on and after
46 July 1, 2025.