

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3344

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3344.

As amended, this bill revises the authorization for financial institutions to release financial records regarding a customer's account in cases where the financial institution suspects fraud of a vulnerable adult or senior customer.

Under current law, a financial institution is authorized, but not required, to release financial records regarding a customer's account to a law enforcement agency, a county adult protective services provider, or both, in cases of suspected fraud. This bill revises these requirements to provide that a financial institution is required to release financial records to an adult protective services provider when the financial institution reasonably suspects fraud of a vulnerable adult or senior customer, and is authorized to release the same records to a law enforcement agency, if the financial institution deems the release to be necessary.

As defined under the existing law, a "senior customer" means a natural person, who, to the financial institution acting in good faith, appears to be at least 60 years of age, who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name. A "vulnerable customer" means a natural person, who is at least 18 years of age, resides in a community setting, and, to a financial institution acting in good faith, appears to have a physical or mental illness, disability or deficiency, or lacks a sufficient understanding of, and the capacity to make, communicate or carry out decisions concerning, the management of the customer's savings or resources, who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name.

COMMITTEE AMENDMENTS:

The committee amendments revise the bill to require that a financial institution reasonably suspect fraud involving a senior customer or a vulnerable adult; current law only requires the institution to suspect fraud may be occurring.

The committee amendments made various technical revisions to address issues related to grammar, punctuation, and an omitted citation.