

S 178

Elder Abuse Prevention and Prosecution Act

Congress: 115 (2017–2019, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Jan 20, 2017

Current Status: Became Public Law No: 115-70.

Latest Action: Became Public Law No: 115-70. (Oct 18, 2017)

Law: 115-70 (Enacted Oct 18, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/senate-bill/178>

Sponsor

Name: Sen. Grassley, Chuck [R-IA]

Party: Republican • **State:** IA • **Chamber:** Senate

Cosponsors (15 total)

| Cosponsor | Party / State | Role | Date Joined |
|-------------------------------------|---------------|------|--------------|
| Sen. Bennet, Michael F. [D-CO] | D · CO | | Jan 20, 2017 |
| Sen. Blumenthal, Richard [D-CT] | D · CT | | Jan 20, 2017 |
| Sen. Cornyn, John [R-TX] | R · TX | | Jan 20, 2017 |
| Sen. Feinstein, Dianne [D-CA] | D · CA | | Jan 20, 2017 |
| Sen. Klobuchar, Amy [D-MN] | D · MN | | Jan 20, 2017 |
| Sen. Leahy, Patrick J. [D-VT] | D · VT | | Jan 20, 2017 |
| Sen. Tillis, Thomas [R-NC] | R · NC | | Jan 20, 2017 |
| Sen. Durbin, Richard J. [D-IL] | D · IL | | Jan 30, 2017 |
| Sen. Franken, Al [D-MN] | D · MN | | Jan 30, 2017 |
| Sen. Rubio, Marco [R-FL] | R · FL | | Feb 1, 2017 |
| Sen. Collins, Susan M. [R-ME] | R · ME | | Feb 8, 2017 |
| Sen. Hirono, Mazie K. [D-HI] | D · HI | | Feb 13, 2017 |
| Sen. Whitehouse, Sheldon [D-RI] | D · RI | | Feb 13, 2017 |
| Sen. Casey, Robert P., Jr. [D-PA] | D · PA | | Apr 3, 2017 |
| Sen. Cortez Masto, Catherine [D-NV] | D · NV | | Jun 14, 2017 |

Committee Activity

| Committee | Chamber | Activity | Date |
|-------------------------------|---------|-------------|--------------|
| Energy and Commerce Committee | House | Referred to | Aug 11, 2017 |
| Judiciary Committee | Senate | Reported By | Mar 23, 2017 |
| Judiciary Committee | House | Referred To | Aug 4, 2017 |

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

| Bill | Relationship | Last Action |
|-----------|--------------|--|
| 115 S 182 | Related bill | Jan 20, 2017: Read twice and referred to the Committee on the Judiciary. |

(This measure has not been amended since it was passed by the Senate on August 1, 2017. The summary of that version is repeated here.)

Elder Abuse Prevention and Prosecution Act

TITLE I--SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE

(Sec. 101) This bill establishes requirements for the Department of Justice (DOJ) with respect to investigating and prosecuting elder abuse crimes and enforcing elder abuse laws. Specifically, DOJ must:

- designate Elder Justice Coordinators in federal judicial districts and at DOJ,
- implement comprehensive training for Federal Bureau of Investigation agents, and
- establish a working group to provide policy advice.

The Executive Office for United States Attorneys must operate a resource group to assist prosecutors in pursuing elder abuse cases.

The Federal Trade Commission must designate an Elder Justice Coordinator within its Bureau of Consumer Protection.

TITLE II--IMPROVED DATA COLLECTION AND FEDERAL COORDINATION

(Sec. 201) DOJ must establish best practices for data collection on elder abuse.

(Sec. 202) DOJ must collect and publish data on elder abuse cases and investigations. The Department of Health and Human Services (HHS) must provide for publication data on elder abuse cases referred to adult protective services.

TITLE III--ENHANCED VICTIM ASSISTANCE TO ELDER ABUSE SURVIVORS

(Sec. 301) This section expresses the sense of the Senate that: (1) elder abuse involves exploitation of potentially vulnerable individuals; (2) combatting elder abuse requires support for victims and prevention; and (3) the Senate supports a multipronged approach to prevent elder abuse, protect victims, and prosecute perpetrators of elder abuse crimes.

(Sec. 302) DOJ's Office for Victims of Crime must report to Congress on the nature, extent, and amount of funding under the Victims of Crime Act of 1984 for victims of crime who are elders.

TITLE IV--ROBERT MATAVA ELDER ABUSE PROSECUTION ACT OF 2017

Robert Matava Elder Abuse Prosecution Act of 2017

This bill amends the federal criminal code to expand prohibited telemarketing fraud to include "telemarketing or email marketing" fraud. It expands the definition of telemarketing or email marketing to include measures to induce investment for financial profit, participation in a business opportunity, or commitment to a loan.

A defendant convicted of telemarketing or email marketing fraud that targets or victimizes a person over age 55 is subject to an enhanced criminal penalty and mandatory forfeiture.

The bill adds health care fraud to the list of fraud offenses subject to enhanced penalties.

(Sec. 403) DOJ, in coordination with the Elder Justice Coordinating Council, must provide information, training, and technical assistance to help states and local governments investigate, prosecute, prevent, and mitigate the impact of elder abuse, exploitation, and neglect.

(Sec. 404) It grants congressional consent to states to enter into cooperative agreements or compacts to promote and to enforce elder abuse laws. The State Justice Institute must submit legislative proposals to Congress to facilitate such agreements and compacts.

TITLE V--MISCELLANEOUS

(Sec. 501) This section amends title XX (Block Grants to States for Social Services and Elder Justice) of the Social Security Act to specify that HHS may award adult protective services demonstration grants to the highest courts of states to assess adult guardianship and conservatorship proceedings and to implement necessary changes. The highest court of a state that receives a demonstration grant must collaborate with the state's unit on aging and adult protective services agency.

(Sec. 502) The Government Accountability Office (GAO) must review and report on elder justice programs and initiatives in the federal criminal justice system. The GAO must also report on: (1) federal government efforts to monitor the exploitation of older adults in global drug trafficking schemes and criminal enterprises, the incarceration of exploited older adults who are U.S. citizens in foreign court systems, and the total number of elder abuse cases pending in the United States; and (2) the results of federal government intervention with foreign officials on behalf of U.S. citizens who are elder abuse victims in international criminal enterprises.

(Sec. 503) DOJ must report to Congress on its outreach to state and local law enforcement agencies on the process for collaborating with the federal government to investigate and prosecute interstate and international elder financial exploitation cases.

(Sec. 504) DOJ must publish model power of attorney legislation for the purpose of preventing elder abuse.

(Sec. 505) DOJ must publish best practices for improving guardianship proceedings and model legislation related to guardianship proceedings for the purpose of preventing elder abuse.

Actions Timeline

- **Oct 18, 2017:** Signed by President.
- **Oct 18, 2017:** Became Public Law No: 115-70.
- **Oct 6, 2017:** Presented to President.
- **Oct 3, 2017:** Mr. Goodlatte moved to suspend the rules and pass the bill.
- **Oct 3, 2017:** Considered under suspension of the rules. (consideration: CR H7709-7712)
- **Oct 3, 2017:** DEBATE - The House proceeded with forty minutes of debate on S. 178.
- **Oct 3, 2017:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H7709-7712)
- **Oct 3, 2017:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H7709-7712)
- **Oct 3, 2017:** Motion to reconsider laid on the table Agreed to without objection.
- **Aug 11, 2017:** Referred to the Subcommittee on Digital Commerce and Consumer Protection.
- **Aug 4, 2017:** Received in the House.
- **Aug 4, 2017:** Referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Aug 2, 2017:** Message on Senate action sent to the House.
- **Aug 1, 2017:** Measure laid before Senate by unanimous consent. (consideration: CR S4681-4684)
- **Aug 1, 2017:** Passed/agreed to in Senate: Passed Senate with amendments by Voice Vote.(text: CR S4681-4684)
- **Aug 1, 2017:** Passed Senate with amendments by Voice Vote. (text: CR S4681-4684)
- **Mar 23, 2017:** Committee on the Judiciary. Reported by Senator Grassley without amendment. With written report No. 115-9.
- **Mar 23, 2017:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 23.
- **Feb 9, 2017:** Committee on the Judiciary. Ordered to be reported without amendment favorably.
- **Jan 20, 2017:** Introduced in Senate
- **Jan 20, 2017:** Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure: CR S361-362)