

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

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SENATE BILL 49

Short Title: Domestic Elder Abuse or Neglect.

(Public)

Sponsors: Senators Seymour; Warren, Gunter, and Sands.

Referred to: Corrections/Punishment.

February 10, 1994

A BILL TO BE ENTITLED
AN ACT TO IMPOSE CRIMINAL PENALTIES FOR THE ABUSE OR NEGLECT
OF ELDER ADULTS LIVING AT HOME.

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-32.3. Domestic elder abuse and neglect; penalties.

(a) It shall be unlawful for any caretaker to abuse or neglect an elder adult residing at home, when the abuse or neglect is the result of an intentional act or omission that causes mental injury, bodily injury, or death.

(b) Unless the conduct is prohibited by some other provision of law providing for greater punishment:

(1) Any person who violates subsection (a) of this section is guilty of a Class C felony where intentional conduct proximately causes the death of the elder adult.

(2) Any person who violates subsection (a) of this section is guilty of a Class E felony where culpably negligent conduct proximately causes the death of the elder adult.

(3) Any person who violates subsection (a) of this section is guilty of a Class F felony where intentional or culpably negligent conduct proximately causes the serious bodily injury of the elder adult.

(4) Any person who violates subsection (a) of this section is guilty of a Class H felony where this conduct proximately causes the mental injury or bodily injury of the elder adult.

- 1 (c) For purposes of this section, the following definitions shall apply:
2 (1) 'Abuse or neglect' means the willful infliction of physical pain, injury,
3 or mental anguish; unreasonable confinement; or the willful
4 deprivation of essential services.
5 (2) 'Caretaker' means an individual who has the responsibility for the care
6 of the elder adult as a result of family relationship or who has assumed
7 the responsibility for the care of the elder adult voluntarily.
8 (3) 'Culpably negligent' is defined in G.S. 14-32.2.
9 (4) 'Elder adult' means an individual 60 years of age or older who is not
10 able to provide for his or her essential services.
11 (5) 'Essential services' means social, medical, psychiatric, psychological,
12 or legal services necessary to safeguard an individual's rights and
13 resources and to maintain the physical or mental well-being of the
14 individual. Essential services include the provision of medical care for
15 physical and mental health needs, assistance in personal hygiene, food,
16 clothing, adequately heated and ventilated shelter, protection from
17 health and safety hazards, and protection from physical mistreatment.
18 (d) Criminal process for a violation of this section may be issued only upon the
19 request of a district attorney.
20 (e) The provisions of this section shall not supersede any other applicable
21 statutory or common law offenses."

22 Sec. 2. This act becomes effective July 1, 1994, and applies to offenses under
23 this act that are committed on or after that date.