**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 2005**

**H** **1**

**HOUSE BILL 1216***

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| Short Title: | Exploitation of Elder or Disabled Adults/POA. | (Public) |
| Sponsors: | Representatives Earle; Alexander, Bell, Carney, Cunningham, Farmer-Butterfield, Insko, Jones, LaRoque, Parmon, Ross, Saunders, Wainwright, Wiley, and Womble. | |
| Referred to: | Aging. | |

April 13, 2005

A BILL TO BE ENTITLED

AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN ELDER OR DISABLED ADULT IN ANY SETTING.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-32.3(c) reads as rewritten:

"**§ 14-32.3. Domestic abuse, neglect, and exploitation of disabled or elder adults.**

…

(c) Exploitation. – A person is guilty of exploitation if that person is a caretaker of a disabled or elder adult ~~who is residing in a domestic setting,~~ and knowingly, willfully and with the intent to permanently deprive the owner of property or money: (i) makes a false representation, (ii) abuses a position of trust or fiduciary duty, or (iii) coerces, commands, or threatens, and, as a result of the act, the disabled or elder adult gives or loses possession and control of property or money.

If the loss of property or money is of a value of more than one thousand dollars ($1,000) the caretaker is guilty of a Class H felony. If the loss of property or money is of a value of one thousand dollars ($1,000) or less, the caretaker is guilty of a Class 1 misdemeanor."

**SECTION 2.** This act becomes effective December 1, 2005, and applies to offenses committed on and after that date.