

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1466  
Committee Substitute Favorable 5/26/05

Short Title: Exploitation/Elderly or Disabled Adult. (Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT  
OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT  
OFFENSE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-32.3(c) is repealed.

**SECTION 2.** Article 19 of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

**"§ 14-112.2. Exploitation of an elder adult or disabled adult.**

(a) The following definitions apply in this section:

(1) Disabled adult. – A person 18 years of age or older or a lawfully emancipated minor who is present in the State of North Carolina and who is physically or mentally incapacitated as defined in G.S. 108A-101(d).

(2) Elder adult. – A person 60 years of age or older who is not able to provide for the social, medical, psychiatric, psychological, financial, or legal services necessary to safeguard the person's rights and resources and to maintain the person's physical and mental well-being.

(b) It is unlawful for a person: (i) who stands in a position of trust and confidence with an elder adult or disabled adult, or (ii) who has a business relationship with an elder adult or disabled adult to knowingly, by deception or intimidation, obtain or use, or endeavor to obtain or use, an elder adult's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elder adult or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elder adult or disabled adult.

(c) It is unlawful for a person, who knows or reasonably should know that an elder adult or disabled adult lacks the capacity to consent, to obtain or use, endeavor to obtain or use, or conspire with another to obtain or use an elder adult's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive

1 the elder adult or disabled adult of the use, benefit, or possession of the funds, assets, or  
2 property, or benefit someone other than the elder adult or disabled adult.

3 (d) A violation of subsection (b) of this section is punishable as follows:

4 (1) If the funds, assets, or property involved in the exploitation of the  
5 elderly person or disabled adult is valued at one hundred thousand  
6 dollars (\$100,000) or more, then the offense is a Class F felony.

7 (2) If the funds, assets, or property involved in the exploitation of the  
8 elderly person or disabled adult is valued at twenty thousand dollars  
9 (\$20,000) or more but less than one hundred thousand dollars  
10 (\$100,000), then the offense is a Class G felony.

11 (3) If the funds, assets, or property involved in the exploitation of the  
12 elderly person or disabled adult is valued at less than twenty thousand  
13 dollars (\$20,000), then the offense is a Class H felony.

14 (e) A violation of subsection (c) of this section is punishable as follows:

15 (1) If the funds, assets, or property involved in the exploitation of the  
16 elderly person or disabled adult is valued at one hundred thousand  
17 dollars (\$100,000) or more, then the offense is a Class G felony.

18 (2) If the funds, assets, or property involved in the exploitation of the  
19 elderly person or disabled adult is valued at twenty thousand dollars  
20 (\$20,000) or more but less than one hundred thousand dollars  
21 (\$100,000), then the offense is a Class H felony.

22 (3) If the funds, assets, or property involved in the exploitation of the  
23 elderly person or disabled adult is valued at less than twenty thousand  
24 dollars (\$20,000), then the offense is a Class I felony."

25 **SECTION 3.** This act becomes effective December 1, 2005, and applies to  
26 offenses committed on or after that date. Prosecutions for offenses committed before  
27 the effective date of this act are not abated or affected by this act, and the statutes that  
28 would be applicable but for this act remain applicable to those prosecutions.