

April 21, 2005

H 1466. EXPLOITATION/ELDERLY OR DISABLED ADULT. TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDERLY PERSON OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE. Repeals GS 14-32.3(c) (regarding financial exploitation of an elderly or disabled person) and replaces it with new GS 14-112.2. Makes it a Class I, H, or G felony (depending on value of property involved) for a person who stands in a position of trust or confidence with an elderly or disabled adult (as defined in act) or who has a business relationship with an elderly or disabled adult to knowingly, by deception or intimidation, obtain or use an elderly or disabled adult's property with the intent to temporarily or permanently deprive the elderly or disabled adult of the use, benefit, or possession of the property or to benefit someone other than the elderly or disabled adult. Also makes it a Class I, H, or G felony for a person who knows or should know that an elderly or disabled adult lacks capacity to consent to obtain or use an elderly or disabled adult's property with the intent to temporarily or permanently deprive the elderly or disabled adult of the use, benefit, or possession of the property or to benefit someone other than the elderly or disabled adult. Effective December 1, 2005; applies to offenses committed on or after that date. Prosecutions for offenses committed before effective date are not abated.

Intro. by Hackney.

Ref. to Judiciary I

GS 14

May 26, 2005

H 1466. EXPLOITATION/ELDERLY OR DISABLED ADULT. Intro. 4/21/05. House committee substitute makes the following changes to 1st edition. Reorganizes new GS 14-112.2 to increase range of penalties for violations of subsection (b), which applies to person with fiduciary or business relationship with elderly or disabled adult, from felony classes G – I to felony classes F – H. Retains felony classes G – I as range of penalties for violations of subsection (c), which applies to person with knowledge that elderly or disabled adult lacks authority to consent. Makes technical changes.

July 26, 2005

H 1466. EXPLOITATION/ELDERLY OR DISABLED ADULT. Intro. 4/21/05. Senate amendment makes the following changes to 2nd edition. Modifies proposed GS 14-112.2(c) to provide that prohibition against use of elder or disabled adult's assets without consent does not apply to adult's agent acting within the scope of agent's authority.

August 15, 2005

SL 2005-272 (H 1466). EXPLOITATION/ELDERLY OR DISABLED ADULT. AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO INCREASE THE PENALTY FOR THAT OFFENSE. Summarized in *Daily Bulletin* 4/21/05, 5/26/05, and 7/26/05. Enacted August 12, 2005. Effective December 1, 2005.