

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 397
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HOUSE PRINCIPAL CLERK

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HOUSE DRH20137-MD-84 (03/18)

Short Title: Clarify Protections/Exploitation of Elders. (Public)

Sponsors: Representative Glazier.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT UPON CONVICTION FOR EXPLOITATION OF AN
3 OLDER ADULT OR DISABLED ADULT, ANY SEIZED ASSETS SHALL BE USED
4 TO SATISFY THE DEFENDANT'S RESTITUTION OBLIGATION AS ORDERED BY
5 THE COURT.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** G.S. 14-112.3(e) reads as rewritten:
8 "**§ 14-112.3. Asset freeze or seizure; proceeding.**
9 ...
10 (e) If the prosecution of the charge under G.S. 14-112.2 is terminated by voluntary
11 dismissal by the State or if a judgment of acquittal is entered, the court shall vacate the order to
12 freeze or seize the assets. Upon conviction of the defendant, any seized assets shall be used to
13 satisfy the defendant's restitution obligation as ordered by the court, accounting for costs
14 incident to seizure, including costs of sale. Any excess assets shall be returned to the
15 defendant."
16 **SECTION 2.** This act is effective when it becomes law.

