

HB 1515 -- Crimes Against the Elderly

Sponsor: Schad

Currently, a person commits the crime of elder abuse in the second degree, a class B felony, if he or she recklessly and purposely causes serious physical injury to a person 60 years of age or older or an adult with a disability. This bill revises the provision so that if a person recklessly or purposely causes serious physical injury he or she will be guilty of the crime.

The bill revises the crime of financial exploitation of an elderly or disabled person to include if a person knowingly by undue influence obtains control over the elderly or disabled person's property with the intent to permanently deprive the person of the use, benefit, or possession thereby benefitting the person or detrimentally affecting the elderly or disabled person. As used in these provisions, "undue influence" means the use of influence by an individual who exercises authority over an elderly or disabled person in order to take unfair advantage of the person's vulnerable state of mind, neediness, pain, or agony and includes the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.