

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH80292-LH-180 (04/05)

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

Sponsors: Representative Hackney.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE OFFENSE OF EXPLOITATION OF AN ELDERLY  
PERSON 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**SECTION 1.** G.S. 14-32.3(c) is repealed.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 elderly person 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 person. – 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 elderly person or disabled adult, or (ii) who has a business relationship with an  
elderly person or disabled adult to knowingly, by deception or intimidation, obtain or  
use, or endeavor to obtain or use, an elderly person's or disabled adult's funds, assets, or  
property with the intent to temporarily or permanently deprive the elderly person or  
disabled adult of the use, benefit, or possession of the funds, assets, or property, or to  
benefit someone other than the elderly person or disabled adult.

(c) It is unlawful for a person, who knows or reasonably should know that an  
elderly person or disabled adult lacks the capacity to consent, to obtain or use, endeavor

1 to obtain or use, or conspire with another to obtain or use an elderly person's or disabled  
2 adult's funds, assets, or property with the intent to temporarily or permanently deprive  
3 the elderly person or disabled adult of the use, benefit, or possession of the funds,  
4 assets, or property, or benefit someone other than the elderly person or disabled adult.

5 (d) A violation of this section is punishable as follows:

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

9 (2) If the funds, assets, or property involved in the exploitation of the  
10 elderly person or disabled adult is valued at twenty thousand dollars  
11 (\$20,000) or more but less than one hundred thousand dollars  
12 (\$100,000), then the offense is a Class H felony.

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

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