

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE DRS65139-LN-29\* (1/19)

Short Title: Exploitation of Elder or Disabled Adults/POA.

(Public)

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Sponsors: Senator Dannelly.

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Referred to:

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1 A BILL TO BE ENTITLED

2 AN ACT TO MAKE IT UNLAWFUL FOR A CARETAKER TO EXPLOIT AN  
3 ELDER OR DISABLED ADULT IN ANY SETTING.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-32.3(c) reads as rewritten:

6 "**§ 14-32.3. Domestic abuse, neglect, and exploitation of disabled or elder adults.**

7 ...

8 (c) Exploitation. – A person is guilty of exploitation if that person is a caretaker  
9 of a disabled or elder adult ~~who is residing in a domestic setting,~~ and knowingly,  
10 willfully and with the intent to permanently deprive the owner of property or money: (i)  
11 makes a false representation, (ii) abuses a position of trust or fiduciary duty, or (iii)  
12 coerces, commands, or threatens, and, as a result of the act, the disabled or elder adult  
13 gives or loses possession and control of property or money.

14 If the loss of property or money is of a value of more than one thousand dollars  
15 (\$1,000) the caretaker is guilty of a Class H felony. If the loss of property or money is  
16 of a value of one thousand dollars (\$1,000) or less, the caretaker is guilty of a Class 1  
17 misdemeanor."

18 **SECTION 2.** This act becomes effective December 1, 2005, and applies to  
19 offenses committed on and after that date.