

# SENATE NO. 83

## AN ACT PROTECTING DISABLED PERSONS FROM FINANCIAL EXPLOITATION

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Section 1 of chapter 19C of the General Laws, as appearing in the 2004 Official  
2 Edition, is hereby amended by inserting after the words "disabled person," in line 4, the  
3 following words:- or financial exploitation of a disabled person.

4 SECTION 2. Said section 1 is hereby further amended by inserting the following definition:-  
5 "Financial exploitation", an act or omission by a caretaker, which causes a substantial monetary  
6 or property loss to a disabled person, or causes a substantial monetary or property gain to a  
7 caretaker, which gain would otherwise benefit the disabled person but for the act or omission of  
8 such caretaker; provided, however, that such an act or omission shall not be construed as  
9 financial exploitation if the disabled person has knowingly consented to such act or omission  
10 unless such consent is a consequence of misrepresentation, undue influence, coercion or threat  
11 of force by such caretaker; and, provided further, that financial exploitation shall not be  
12 construed to interfere with or prohibit a bona fide gift by a disabled person.