

SENATE NO. 118

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 Edition,
2 is hereby amended by inserting after the words "disabled person," in line 4, the following words:- or
3 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
6 monetary 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 such
8 caretaker; provided, however, that such an act or omission shall not be construed as financial
9 exploitation if the disabled person has knowingly consented to such act or omission unless such
10 consent is a consequence of misrepresentation, undue influence, coercion or threat of force by such
11 caretaker; and, provided further, that financial exploitation shall not be construed to interfere with or
12 prohibit a bona fide gift by a disabled person or to apply to any act or practice in the conduct of any
13 trade or commerce declared unlawful by section 2 of chapter 93 A of the General Laws.