

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

3

SENATE BILL 488\*  
Judiciary II Committee Substitute Adopted 4/21/05  
Third Edition Engrossed 4/25/05

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

(Public)

Sponsors:

Referred to:

March 15, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

...

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

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

**SECTION 2.** G.S. 14-32.3(d)(1) reads as rewritten:

"(1) Caretaker. – A person who has the responsibility for the care of a disabled or elder adult as a result of family relationship or who has assumed the responsibility for the care of a disabled or elder adult voluntarily or by contract. For purposes of this section, "caretaker" shall include an attorney-in-fact for a disabled or elder adult."

**SECTION 3.** This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.