

HB60 ENGROSSED



1 HB60
2 KI7T55U-2
3 By Representative Colvin
4 RFD: Children and Senior Advocacy
5 First Read: 06-Feb-24
6 PFD: 30-Jan-24



HB60 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to the abuse of adults with disabilities; to add Article 13 to Chapter 6 of Title 13A, Code of Alabama 1975; to create the Alabama Adults with Disabilities Protection Act; to create the crimes of abuse and neglect of an adult with a disability in the first, second, and third degrees and financial exploitation of an adult with a disability in the first, second, and third degrees; to provide criminal penalties; to establish a statute of limitation; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article 13, commencing with Section 13A-6-280, is added to Chapter 6 of Title 13A, Code of Alabama 1975, to read as follows:

Article 13

§13A-6-280

This article shall be known as and may be cited as the Alabama Adults with Disabilities Protection Act.



HB60 Engrossed

§13A-6-281

For the purposes of this article, the following terms have the following meanings:

(1) ADULT WITH A DISABILITY. Any of the following: (i) an individual 19 years of age or older who has physical or mental impairment that substantially limits one or more major life activities; and (ii) any protected person as defined in Section 38-9-2.

(2) CAREGIVER. An individual who has the responsibility for the care of an adult with a disability as a result of a family relationship or who has assumed the responsibility for the care of the individual voluntarily, for pecuniary gain, by contract, or as a result of the ties of friendship.

(3) FINANCIAL EXPLOITATION. The use of deception, intimidation, undue influence, force, or threat of force to obtain or exert unauthorized control over the property of an adult with a disability with the intent to deprive the adult with a disability of his or her property or the breach of a fiduciary duty to an adult with a disability by his or her guardian, conservator, supporter, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of the property of the adult with a disability.

(4) INTIMIDATION. A threat of physical or emotional harm to an adult with a disability, or the communication to an adult with a disability that he or she will be deprived of food and nutrition, shelter, property, prescribed medication, or medical care or treatment.

(5) NEGLECT. The failure of a caregiver to provide



HB60 Engrossed

57 food, shelter, clothing, medical services, medication, or
58 health care for an adult with a disability.

59 (6) PERSON. A human being.

60 (7) UNDUE INFLUENCE. Domination, coercion,
61 manipulation, or any other act exercised by another person to
62 the extent that an adult with a disability is prevented from
63 exercising free judgment and choice.

64 §13A-6-282

65 (a) A person commits the crime of abuse and neglect of
66 an adult with a disability in the first degree if he or she
67 intentionally abuses or neglects any adult with a disability
68 and the abuse or neglect causes serious physical injury to the
69 adult with a disability.

70 (b) Abuse and neglect of an adult with a disability in
71 the first degree is a Class A felony.

72 §13A-6-283

73 (a) A person commits the crime of abuse and neglect of
74 an adult with a disability in the second degree if he or she
75 does any of the following:

76 (1) Intentionally abuses or neglects any adult with a
77 disability and the abuse or neglect causes physical injury to
78 the adult with a disability.

79 (2) Recklessly abuses or neglects any adult with a
80 disability and the abuse or neglect causes serious injury to
81 the adult with a disability.

82 (3) Recklessly abuses or neglects any adult with a
83 disability having been previously convicted of abuse and
84 neglect of an adult with a disability in the third degree in



HB60 Engrossed

any court.

(b) Abuse and neglect of an adult with a disability in the second degree is a Class B felony.

§13A-6-284

(a) A person commits the crime of abuse and neglect of an adult with a disability in the third degree if he or she recklessly abuses or neglects any adult with a disability and the abuse or neglect causes physical injury.

(b) Abuse and neglect of an adult with a disability in the third degree is a Class A misdemeanor.

§13A-6-285

(a) The financial exploitation of an adult with a disability in which the value of the property taken exceeds two thousand five hundred dollars (\$2,500) constitutes financial exploitation of an adult with a disability in the first degree.

(b) Financial exploitation of an adult with a disability in the first degree is a Class B felony.

§13A-6-286

(a) The financial exploitation of an adult with a disability in which the value of the property taken exceeds five hundred dollars (\$500) but does not exceed two thousand five hundred dollars (\$2,500) constitutes financial exploitation of an adult with a disability in the second degree.

(b) Financial exploitation of an adult with a disability in the second degree is a Class C felony.

§13A-6-287



HB60 Engrossed

(a) The financial exploitation of an adult with a disability in which the value of the property taken does not exceed five hundred dollars (\$500) constitutes financial exploitation of an adult with a disability in the third degree.

(b) Financial exploitation of an adult with a disability in the third degree is a Class A misdemeanor.

§13A-6-288

(a) In any prosecution brought for financial exploitation of an adult with a disability, the crime shall be considered to be committed in any county in which any party of the crime took place, regardless of whether the defendant was ever actually present in that county, or in the county of residence of the person who is the subject of the financial exploitation.

(b) Any prosecution brought for financial exploitation of an adult with a disability shall be commenced within seven years after the commission of the offense.

(c) It shall not be a defense to financial exploitation of an adult with a disability that the accused reasonably believed that the victim was not an adult with a disability.

§13A-6-289

Nothing in this article shall be construed to limit the remedies available to the victims pursuant to any state law relating to domestic violence, the Adult Protective Services Act of 1976, or any other applicable law.

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of



HB60 Engrossed

141 local funds, the bill is excluded from further requirements
142 and application under Section 111.05 of the Constitution of
143 Alabama of 2022, because the bill defines a new crime or
144 amends the definition of an existing crime.

145 Section 3. This act shall become effective on October
146 1, 2024.



HB60 Engrossed

House of Representatives

Read for the first time and referred06-Feb-24
to the House of Representatives
committee on Children and Senior
Advocacy
Read for the second time and placed28-Feb-24
on the calendar:
0 amendments
Read for the third time and passed19-Mar-24
as amended
Yeas 102
Nays 0
Abstains 0

John Treadwell
Clerk