SENATE DOCKET, NO. 612 FILED ON: 1/19/2011

SENATE . . . . . No. 67

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act protecting disabled persons from financial exploitation..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	☐ *[District]* ☐
Richard J. Ross	*Norfolk, Bristol, and Middlesex*
Sonia Chang-Diaz	☐ *[District]* ☐
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
James B. Eldridge	☐ *[District]* ☐
Susan C. Fargo	☐ *[District]* ☐
Ann-Margaret Ferrante	*5th Essex*
Richard T. Moore	☐ *[District]* ☐

James E. Timilty

☐ *[District]*

☐

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SENATE . . . . . No. 67

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 67) of Bruce E. Tarr, Richard J. Ross, Sonia Chang-Diaz, Sal N. DiDomenico and other members of the General Court for legislation to protect disabled persons from financial exploitation. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *75* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

SECTION 1. Section 1 of chapter 19C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words "disabled person," in line 4, the following words:- or financial exploitation of a disabled person.

SECTION 2. Said section 1 is hereby further amended by inserting the following definition:-

"Financial exploitation", an act or omission by a caretaker, which causes a substantial monetary or property loss to a disabled person, or causes a substantial monetary or property gain to a caretaker, which gain would otherwise benefit the disabled person but for the act or omission of such caretaker; provided, however, that such an act or omission shall not be construed as financial exploitation if the disabled person has knowingly consented to such act or omission unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of force by such caretaker; and, provided further, that financial exploitation shall not be construed to interfere with or prohibit a bona fide gift by a disabled person or to apply to any act or practice in the conduct of any trade or commerce declared unlawful by section 2 of chapter 93 A of the General Laws.