

SENATE No. 75

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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
2 Official 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
5 definition:-

6 "Financial exploitation", an act or omission by a caretaker, which causes a substantial
7 monetary or property loss to a disabled person, or causes a substantial monetary or property gain
8 to a caretaker, which gain would otherwise benefit the disabled person but for the act or omission
9 of such caretaker; provided, however, that such an act or omission shall not be construed as
10 financial exploitation if the disabled person has knowingly consented to such act or omission
11 unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of
12 force by such caretaker; and, provided further, that financial exploitation shall not be construed
13 to interfere with or prohibit a bona fide gift by a disabled person or to apply to any act or practice

14 in the conduct of any trade or commerce declared unlawful by section 2 of chapter 93 A of the
15 General Laws.

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