

SENATE No. 105

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 adoption of the accompanying bill:

An Act protecting disabled persons from financial exploitation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>

SENATE No. 105

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 105) of Bruce E. Tarr, Sonia Chang-Diaz, Donald F. Humason, Jr., Jennifer L. Flanagan 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. 64 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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 2014
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 of chapter 19C of the General Laws, as so appearing, is
5 hereby further amended by inserting, after the definition of "Disabled Person", the following
6 definition:-

7 "Financial exploitation", an act or omission by a caretaker, which causes a substantial
8 monetary or property loss to a disabled person, or causes a substantial monetary or property gain
9 to a caretaker, which gain would otherwise benefit the disabled person but for the act or omission

10 of such caretaker; provided, however, that such an act or omission shall not be construed as
11 financial exploitation if the disabled person has knowingly consented to such act or omission
12 unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of
13 force by such caretaker; and, provided further, that financial exploitation shall not be construed
14 to interfere with or prohibit a bona fide gift by a disabled person or to apply to any act or practice
15 in the conduct of any trade or commerce declared unlawful by section 2 of chapter 93A of the
16 General Laws.