

HOUSE No. 1627

The Commonwealth of Massachusetts

PRESENTED BY:

Richard M. Haggerty

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 to protect property of elder or disabled persons.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>2/16/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/24/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/25/2021</i>

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By Mr. Haggerty of Woburn, a petition (accompanied by bill, House, No. 1627) of Richard M. Haggerty, Timothy R. Whelan and Christopher Hendricks relative to the penalties for property crimes against elderly or disabled persons. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to protect property of elder or disabled persons.

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: Chapter 266, Section 30 is amended by adding subsection (6), as follows:
2 (6) Whoever, without consent of the owner, obtains possession or control over the
3 property of another, sixty years of age or older, or of a person with a disability as defined in
4 section thirteen K of chapter two hundred and sixty-five, if the value of such property exceeds
5 one thousand dollars, shall be guilty of unlawful possession of property, and shall be punished by
6 imprisonment in the state prison for not more than five years or in the house of correction for not
7 more than two and one-half years, or by a fine of not more than twenty-five thousand dollars or
8 by both such fine and imprisonment; if the property is an interest in real estate, whoever is guilty
9 of unlawful possession of property shall be punished by imprisonment in the state prison for not
10 more than ten years or in the house of correction for not more than two and one-half years, or by
11 a fine of not more than fifty thousand dollars or by both such fine and imprisonment, and shall
12 restore or forfeit such interest in real estate to the owner. The court may order, regardless of the

13 value of the property, restitution to be paid to the victim commensurate with the value of the
14 property. If there is a caretaker as defined in section thirteen K of chapter two hundred and
15 sixty-five for the person who is the owner, the consent of the owner shall not be deemed
16 voluntary and lawful to convey the property unless witnessed in writing by the caretaker. A
17 caretaker may not witness the consent of the owner if the caretaker intends to receive or does
18 receive any interest in the property conveyed or any other benefit as witness.