

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



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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.



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29 §13A-6-281

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

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

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

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

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

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



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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



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85 any court.

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

88 §13A-6-284

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

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

95 §13A-6-285

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

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

103 §13A-6-286

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

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

112 §13A-6-287



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

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

120 §13A-6-288

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

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

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

134 §13A-6-289

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

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



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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.



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House of Representatives

150 Read for the first time and referred06-Feb-24
151 to the House of Representatives
152 committee on Children and Senior
153 Advocacy
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155 Read for the second time and placed28-Feb-24
156 on the calendar:
157 0 amendments
158
159 Read for the third time and passed19-Mar-24
160 as amended
161 Yeas 102
162 Nays 0
163 Abstains 0
164
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John Treadwell
Clerk

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