

**SENATE . . . . . No. 00067**

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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 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>Richard J. Ross</i>	<i>Norfolk, Bristol, and Middlesex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex, Suffolk, and Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Susan C. Fargo</i>	<i>Third Middlesex</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>

# SENATE . . . . . No. 00067

By Mr. Tarr, petition (accompanied by bill, Senate, No. 67) of Timilty, Moore, Ferrante and other members of the General Court for legislation to protect disabled persons from financial exploitation [Joint Committee on Children, Families and Persons with Disabilities].

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

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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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 2008  
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.