

SENATE No. 76

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>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/24/2017</i>

SENATE No. 76

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 76) of Bruce E. Tarr and Timothy R. Whelan for legislation to protect disabled persons from financial exploitation. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 is hereby amended by
2 inserting after the words "disabled person", in line 4, the following words:- or financial
3 exploitation of a disabled person.

4 SECTION 2. Said section 1 of chapter 19C of the General Laws is hereby further
5 amended by inserting, after the definition of "Disabled Person", the following 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 93A of the
15 General Laws.