

HOUSE BILL 1385

By Todd

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 71, relative to elderly and vulnerable
adults.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-6-102, is amended by deleting
subdivision (8) and substituting:

(8) "Exploitation" means:

(A) The use of deception, intimidation, undue influence, force, or threat of
force to obtain or exert unauthorized control over an elderly or vulnerable adult's
property with the intent to deprive the elderly or vulnerable adult of property;

(B) The breach of a fiduciary duty to an elderly or vulnerable adult by the
person's guardian, conservator, or agent under a power of attorney which results
in an appropriation, sale, or transfer of the elderly or vulnerable adult's property;

or

(C) The act of obtaining or exercising control over an elderly or
vulnerable adult's property, without receiving the elderly or vulnerable adult's
effective consent, by a caregiver committed with the intent to benefit the
caregiver or other third party;

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.