

3 **Senate Bill No. 1793**  
4 **As Amended**

5 SENATE BILL NO. 1793 - By: JUSTICE, LAWLER and LEFTWICH of the  
6 Senate and RICHARDSON of the House.

7 [ crimes and punishments - exploitation of elderly persons -  
8 penalties - codification - effective date -  
9 emergency ]

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 843.4 of Title 21, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. As used in this section, "exploitation of an elderly person  
15 or disabled adult" means:

16 1. Knowingly, by deception or intimidation, obtaining or using,  
17 or endeavoring to obtain or use, an elderly person's or disabled  
18 person's funds, assets, or property with the intent to temporarily  
19 or permanently deprive the elderly person or disabled adult of the  
20 use, benefit, or possession of the funds, assets, or property, or to  
21 benefit someone other than the elderly person or disabled adult, by  
22 a person who:

23 a. stands in a position of trust and confidence with the  
24 elderly person or disabled adult, or

1           b.    has a business relationship with the elderly person or  
2                   disabled adult, or

3           2.    Obtaining or using, endeavoring to obtain or use, or  
4    conspiring with another to obtain or use an elderly person's or  
5    disabled adult's funds, assets, or property with the intent to  
6    temporarily or permanently deprive the elderly person or disabled  
7    adult of the use, benefit, or possession of the funds, assets, or  
8    property, or to benefit someone other than the elderly person or  
9    disabled adult, by a person who knows or reasonably should know that  
10   the elderly person or disabled adult lacks the capacity to consent.

11          B.   1.   If the funds, assets, or property involved in the  
12   exploitation of the elderly person or disabled adult are valued at  
13   One Hundred Thousand Dollars (\$100,000.00) or more, the violator  
14   commits a felony punishable by imprisonment in the custody of the  
15   Department of Corrections for a term not more than fifteen (15)  
16   years and by a fine in an amount not exceeding Ten Thousand Dollars  
17   (\$10,000.00).

18          2.    If the funds, assets, or property involved in the  
19   exploitation of the elderly person or disabled adult are valued at  
20   Twenty Thousand Dollars (\$20,000.00) or more, but less than One  
21   Hundred Thousand Dollars (\$100,000.00), the violator commits a  
22   felony punishable by imprisonment in the custody of the Department

1 of Corrections for a term not more than ten (10) years and by a fine  
2 in an amount not exceeding Five Thousand Dollars (\$5,000.00).

3 3. If the funds, assets, or property involved in the  
4 exploitation of the elderly person or disabled adult are valued at  
5 less than Twenty Thousand Dollars (\$20,000.00), the violator commits  
6 a felony punishable by imprisonment in the custody of the Department  
7 of Corrections for a term not more than seven (7) years and by a  
8 fine in an amount not exceeding Five Thousand Dollars (\$5,000.00).

9 SECTION 2. This act shall become effective July 1, 2006.

10 SECTION 3. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-15-06 - DO  
15 PASS, As Amended and Coauthored.