

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1793

By: Justice

AS INTRODUCED

An Act relating to crimes and punishments; making exploitation of elderly person or disabled adult a crime; defining terms; setting penalties; providing for codification; providing an effective date; and declaring an emergency.

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

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

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

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

- a. stands in a position of trust and confidence with the elderly person or disabled adult, or
- b. has a business relationship with the elderly person or disabled adult, or

2. Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled

adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent.

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

2. If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult are valued at Twenty Thousand Dollars (\$20,000.00) or more, but less than One Hundred Thousand Dollars (\$100,000.00), the violator commits a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than ten (10) years and by a fine in an amount not exceeding Five Thousand Dollars (\$5,000.00).

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

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

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