

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	HB2741
Version:	FA1
Request Number:	
Author:	Rep. Duel
Date:	3/8/2023
Impact:	Minimal impact

Research Analysis

The floor substitute to HB 2741, establishes Neil's Law and enacts the Oklahoma Elder Exploitation and Abuse Act which establishes a civil action for incapacitated persons and vulnerable adults against those who neglect, exploit, or abuse them.

The measure defines the terms incapacitated person, vulnerable adult, caretaker, abuse, exploitation or exploit, financial neglect, neglect, personal degradation, sexual abuse, indecent exposure, sexual exploitation, and verbal abuse.

The measure allows for claims of elder neglect, exploitation, or abuse to be filed in any district court within the county that the vulnerable adult lives, maintains their residence, or was living at the time of the act or omission addressed in the claim. Claims may be brought by the vulnerable adult or on their behalf by a guardian, limited guardian, conservator, agent under an appropriate power of attorney, duly appointed representative of the estate of the vulnerable adult if deceased, or another legal representative approved by the court.

The measure holds that anyone who is found guilty of committing neglect or financial neglect against a vulnerable adult will be liable for actual damages in an amount that compensates the vulnerable adult for the loss they incurred as a result. Anyone who is found guilty of committing exploitation or abuse of a vulnerable adult will be liable for damages three times the actual damages incurred by the individual. In both cases, the guilty party will also be liable for punitive damages.

The measure also allows for the district court in which a claim is filed to issue a restraining order or other injunctive relief to prohibit any further violations.

CHANGES IN FLOOR SUB VERSION FROM INTRODUCED:

The floor amendment creates a new Section 1 that cites the measure as "Neil's Law".

Prepared By: Matthew Brenchley

Fiscal Analysis

From the Administrator Director of the Courts:

HB 2741 creates a new cause of action that may be filed in district court. There would be minimal fiscal impact if new cases are filed and court costs (already set by statute) are collected upon filing.

Prepared By: Stacy Johnson, House Fiscal Staff

Other Considerations

None.

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