

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 404

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO FINANCIAL EXPLOITATION OF AN ELDER; AMENDING CHAPTER 31, TITLE
2 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3129, IDAHO CODE, TO
3 PROVIDE FOR THE OFFENSE OF FINANCIAL EXPLOITATION OF AN ELDER, TO PRO-
4 VIDE A PENALTY, AND TO DEFINE TERMS.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 31, Title 18, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 18-3129, Idaho Code, and to read as follows:

10 18-3129. FINANCIAL EXPLOITATION OF AN ELDER. (1) A caregiver commits
11 the offense of financial exploitation of an elder if the caregiver inten-
12 tionally or knowingly financially exploits the elder, provided that the to-
13 tal value of the money or property taken or used is more than one thousand
14 dollars (\$1,000).

15 (2) Financial exploitation of an elder shall be a felony.

16 (3) For purposes of this section:

17 (a) "Caregiver" means any person who has undertaken the temporary or
18 permanent care, custody, or physical control or supervision of, or who
19 has a legal or contractual duty to care for the health, safety, and wel-
20 fare of, an elder.

21 (b) "Elder" means a person who is sixty (60) years of age or older.

22 (c) "Financial exploitation" means the unauthorized taking, withhold-
23 ing, misappropriation, or use of an elder's money, real property, or
24 personal property. "Financial exploitation" may be committed by using
25 coercion, manipulation, threats, intimidation, misrepresentation, or
26 undue influence and may include but not be limited to:

27 (i) Breaches of fiduciary relationships, such as the misuse of a
28 power of attorney or the abuse of guardianship privileges, result-
29 ing in the unauthorized appropriation, sale, or transfer of prop-
30 erty;

31 (ii) The unauthorized taking of personal assets; or

32 (iii) The misappropriation, misuse, or unauthorized transfer of
33 moneys belonging to the elder from a personal or joint account.