

HB60 ENROLLED



1 HB60
2 KI7T55U-3
3 By Representative Colvin
4 RFD: Children and Senior Advocacy
5 First Read: 06-Feb-24
6 PFD: 30-Jan-24



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1 Enrolled, An Act,

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3 Relating to the abuse of adults with disabilities; to
4 add Article 13 to Chapter 6 of Title 13A, Code of Alabama
5 1975; to create the Alabama Adults with Disabilities
6 Protection Act; to create the crimes of abuse and neglect of
7 an adult with a disability in the first, second, and third
8 degrees and financial exploitation of an adult with a
9 disability in the first, second, and third degrees; to provide
10 criminal penalties; to establish a statute of limitation; and
11 in connection therewith would have as its purpose or effect
12 the requirement of a new or increased expenditure of local
13 funds within the meaning of Section 111.05 of the Constitution
14 of Alabama of 2022.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Article 13, commencing with Section
17 13A-6-280, is added to Chapter 6 of Title 13A, Code of Alabama
18 1975, to read as follows:

19 Article 13

20 §13A-6-280

21 This article shall be known as and may be cited as the
22 Alabama Adults with Disabilities Protection Act.

23 §13A-6-281

24 For the purposes of this article, the following terms
25 have the following meanings:

26 (1) ADULT WITH A DISABILITY. Any of the following: (i)
27 an individual 18 years of age or older who has physical or
28 mental impairment that substantially limits one or more major



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29 life activities; and (ii) any protected person as defined in
30 Section 38-9-2.

31 (2) CAREGIVER. An individual who has the responsibility
32 for the care of an adult with a disability as a result of a
33 family relationship or who has assumed the responsibility for
34 the care of the individual voluntarily, for pecuniary gain, by
35 contract, or as a result of the ties of friendship.

36 (3) FINANCIAL EXPLOITATION. Any of the following:

37 a. The wrongful or unauthorized taking, appropriating,
38 or use of money, assets, or property of an adult with a
39 disability.

40 b. Any act or omission taken by a person, including
41 through the use of a power of attorney, guardianship, or
42 conservatorship of an adult with a disability, to:

43 1. Obtain control through deception, intimidation, or
44 undue influence over the money, assets, or property of an
45 adult with a disability to deprive the adult with a disability
46 of the ownership, use, benefit, or possession of his or her
47 money, assets, or property; or

48 2. Convert money, assets, or property of the adult with
49 a disability to deprive the adult with a disability of the
50 ownership, use, benefit, or possession of his or her money,
51 assets, or property.

52 (4) INTIMIDATION. A threat of physical or emotional
53 harm to an adult with a disability, or the communication to an
54 adult with a disability that he or she will be deprived of
55 food and nutrition, shelter, property, prescribed medication,
56 or medical care or treatment.



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57 (5) NEGLECT. The failure of a caregiver to provide
58 food, shelter, clothing, medical services, medication, or
59 health care for an adult with a disability.

60 (6) PERSON. A human being.

61 (7) UNDUE INFLUENCE. Domination, coercion,
62 manipulation, or any other act exercised by another person to
63 the extent that an adult with a disability is prevented from
64 exercising free judgment and choice.

65 §13A-6-282

66 (a) A person commits the crime of abuse and neglect of
67 an adult with a disability in the first degree if he or she
68 intentionally abuses or neglects any adult with a disability
69 and the abuse or neglect causes serious physical injury to the
70 adult with a disability.

71 (b) Abuse and neglect of an adult with a disability in
72 the first degree is a Class A felony.

73 §13A-6-283

74 (a) A person commits the crime of abuse and neglect of
75 an adult with a disability in the second degree if he or she
76 does any of the following:

77 (1) Intentionally abuses or neglects any adult with a
78 disability and the abuse or neglect causes physical injury to
79 the adult with a disability.

80 (2) Recklessly abuses or neglects any adult with a
81 disability and the abuse or neglect causes serious injury to
82 the adult with a disability.

83 (3) Recklessly abuses or neglects any adult with a
84 disability having been previously convicted of abuse and



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85 neglect of an adult with a disability in the third degree in
86 any court.

87 (b) Abuse and neglect of an adult with a disability in
88 the second degree is a Class B felony.

89 §13A-6-284

90 (a) A person commits the crime of abuse and neglect of
91 an adult with a disability in the third degree if he or she
92 recklessly abuses or neglects any adult with a disability and
93 the abuse or neglect causes physical injury.

94 (b) Abuse and neglect of an adult with a disability in
95 the third degree is a Class A misdemeanor.

96 §13A-6-285

97 (a) The financial exploitation of an adult with a
98 disability in which the value of the property taken exceeds
99 two thousand five hundred dollars (\$2,500) constitutes
100 financial exploitation of an adult with a disability in the
101 first degree.

102 (b) Financial exploitation of an adult with a
103 disability in the first degree is a Class B felony.

104 §13A-6-286

105 (a) The financial exploitation of an adult with a
106 disability in which the value of the property taken exceeds
107 five hundred dollars (\$500) but does not exceed two thousand
108 five hundred dollars (\$2,500) constitutes financial
109 exploitation of an adult with a disability in the second
110 degree.

111 (b) Financial exploitation of an adult with a
112 disability in the second degree is a Class C felony.



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113 §13A-6-287

114 (a) The financial exploitation of an adult with a
115 disability in which the value of the property taken does not
116 exceed five hundred dollars (\$500) constitutes financial
117 exploitation of an adult with a disability in the third
118 degree.

119 (b) Financial exploitation of an adult with a
120 disability in the third degree is a Class A misdemeanor.

121 §13A-6-288

122 (a) In any prosecution brought for financial
123 exploitation of an adult with a disability, the crime shall be
124 considered to be committed in any county in which any party to
125 the offense was located at the time of the commission of the
126 offense, regardless of whether the defendant was ever actually
127 present in that county, or in the county of residence of the
128 person who is the victim of the financial exploitation.

129 (b) Any prosecution brought for financial exploitation
130 of an adult with a disability shall be commenced within seven
131 years after the date of discovery of the offense.

132 (c) It shall not be a defense to financial exploitation
133 of an adult with a disability that the accused reasonably
134 believed that the victim was not an adult with a disability.

135 §13A-6-289

136 Nothing in this article shall be construed to limit the
137 remedies available to the victims pursuant to any state law
138 relating to domestic violence, the Adult Protective Services
139 Act of 1976, or any other applicable law.

140 Section 2. Although this bill would have as its purpose



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141 or effect the requirement of a new or increased expenditure of
142 local funds, the bill is excluded from further requirements
143 and application under Section 111.05 of the Constitution of
144 Alabama of 2022, because the bill defines a new crime or
145 amends the definition of an existing crime.

146 Section 3. This act shall become effective on October
147 1, 2024.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 19-Mar-24, as amended.

John Treadwell
Clerk

Senate	08-May-24	Amended and Passed
House	09-May-24	Concurred in Senate Amendment