

HOUSE No. 1360

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect property of elder or disabled persons.

PETITION OF:

NAME:

Paul Brodeur
Marian T. Ryan, Middlesex District
Attorney

DISTRICT/ADDRESS:

32nd Middlesex

HOUSE No. 1360

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 1360) of Paul Brodeur and Marian T. Ryan, Middlesex District Attorney relative to the penalties for property crimes against elderly or disabled persons. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3029 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to protect property of elder or disabled persons.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Chapter 266, Section 30 as appearing in the Official 2016 edition of the
2 General Laws is amended by adding subsection (6), as follows:

3 (6) Whoever, without consent of the owner, obtains possession or control over the
4 property of another, sixty years of age or older, or of a person with a disability as defined in
5 section thirteen K of chapter two hundred and sixty-five, if the value of such property exceeds
6 one thousand dollars, shall be guilty of unlawful possession of property, and shall be punished by
7 imprisonment in the state prison for not more than five years or in the house of correction for not
8 more than two and one-half years, or by a fine of not more than twenty-five thousand dollars or
9 by both such fine and imprisonment; if the property is an interest in real estate, whoever is guilty
10 of unlawful possession of property shall be punished by imprisonment in the state prison for not

11 more than ten years or in the house of correction for not more than two and one-half years, or by
12 a fine of not more than fifty thousand dollars or by both such fine and imprisonment, and shall
13 restore or forfeit such interest in real estate to the owner. The court may order, regardless of the
14 value of the property, restitution to be paid to the victim commensurate with the value of the
15 property. If there is a caretaker as defined in section thirteen K of chapter two hundred and
16 sixty-five for the person who is the owner, the consent of the owner shall not be deemed
17 voluntary and lawful to convey the property unless witnessed in writing by the caretaker. A
18 caretaker may not witness the consent of the owner if the caretaker intends to receive or does
19 receive any interest in the property conveyed or any other benefit as witness.