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SYNOPSIS:

Under existing law, the abuse, neglect, and financial exploitation of an elderly person is prohibited.

This bill would create the Alabama Adults with Disabilities Protection Act to prohibit certain intentional and reckless abuse, neglect, and financial exploitation of adults with disabilities.

This bill would create the crimes of abuse and neglect of an adult with a disability in the first, second, and third degrees and provide criminal penalties.

This bill would create the crimes of financial exploitation of an adult with a disability in the first, second, and third degrees, and provide criminal penalties.

This bill would also require prosecutions of financial exploitation of an adult with a disability to be commenced within seven years of the offense.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of



29 specified exceptions; it is approved by the affected
30 entity; or the Legislature appropriates funds, or
31 provides a local source of revenue, to the entity for
32 the purpose.

33 The purpose or effect of this bill would be to
34 require a new or increased expenditure of local funds
35 within the meaning of the amendment. However, the bill
36 does not require approval of a local governmental
37 entity or enactment by a 2/3 vote to become effective
38 because it comes within one of the specified exceptions
39 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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46 Relating to the abuse of adults with disabilities; to
47 add Article 13 to Chapter 6 of Title 13A, Code of Alabama
48 1975; to create the Alabama Adults with Disabilities
49 Protection Act; to create the crimes of abuse and neglect of
50 an adult with a disability in the first, second, and third
51 degrees and financial exploitation of an adult with a
52 disability in the first, second, and third degrees; to provide
53 criminal penalties; to establish a statute of limitation; and
54 in connection therewith would have as its purpose or effect
55 the requirement of a new or increased expenditure of local
56 funds within the meaning of Section 111.05 of the Constitution



57 of Alabama of 2022.

58 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

59 Section 1. Article 13, commencing with Section
60 13A-6-280, is added to Chapter 6 of Title 13A, Code of Alabama
61 1975, to read as follows:

62 Article 13

63 §13A-6-280

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

66 §13A-6-281

67 For the purposes of this article, the following terms
68 have the following meanings:

69 (1) ADULT WITH A DISABILITY. Any of the following: (i)
70 an individual 19 years of age or older who has physical or
71 mental impairment that substantially limits one or more major
72 life activities; and (ii) any protected person as defined in
73 Section 38-9-2.

74 (2) CAREGIVER. An individual who has the responsibility
75 for the care of an adult with a disability as a result of a
76 family relationship or who has assumed the responsibility for
77 the care of the individual voluntarily, for pecuniary gain, by
78 contract, or as a result of the ties of friendship.

79 (3) FINANCIAL EXPLOITATION. The use of deception,
80 intimidation, undue influence, force, or threat of force to
81 obtain or exert unauthorized control over the property of an
82 adult with a disability with the intent to deprive the adult
83 with a disability of his or her property or the breach of a
84 fiduciary duty to an adult with a disability by his or her



85 guardian, conservator, supporter, or agent under a power of
86 attorney which results in an unauthorized appropriation, sale,
87 or transfer of the property of the adult with a disability.

88 (4) INTIMIDATION. A threat of physical or emotional
89 harm to an adult with a disability, or the communication to an
90 adult with a disability that he or she will be deprived of
91 food and nutrition, shelter, property, prescribed medication,
92 or medical care or treatment.

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

96 (6) PERSON. A human being.

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

101 §13A-6-282

102 (a) A person commits the crime of abuse and neglect of
103 an adult with a disability in the first degree if he or she
104 intentionally abuses or neglects any adult with a disability
105 and the abuse or neglect causes serious physical injury to the
106 adult with a disability.

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

109 §13A-6-283

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



113 (1) Intentionally abuses or neglects any adult with a
114 disability and the abuse or neglect causes physical injury to
115 the adult with a disability.

116 (2) Recklessly abuses or neglects any adult with a
117 disability and the abuse or neglect causes serious injury to
118 the adult with a disability.

119 (3) Recklessly abuses or neglects any adult with a
120 disability having been previously convicted of abuse and
121 neglect of an adult with a disability in the third degree in
122 any court.

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

125 §13A-6-284

126 (a) A person commits the crime of abuse and neglect of
127 an adult with a disability in the third degree if he or she
128 recklessly abuses or neglects any adult with a disability and
129 the abuse or neglect causes physical injury.

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

132 §13A-6-285

133 (a) The financial exploitation of an adult with a
134 disability in which the value of the property taken exceeds
135 two thousand five hundred dollars (\$2,500) constitutes
136 financial exploitation of an adult with a disability in the
137 first degree.

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

140 §13A-6-286



141 (a) The financial exploitation of an adult with a
142 disability in which the value of the property taken exceeds
143 five hundred dollars (\$500) but does not exceed two thousand
144 five hundred dollars (\$2,500) constitutes financial
145 exploitation of an adult with a disability in the second
146 degree.

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

149 §13A-6-287

150 (a) The financial exploitation of an adult with a
151 disability in which the value of the property taken does not
152 exceed five hundred dollars (\$500) constitutes financial
153 exploitation of an adult with a disability in the third
154 degree.

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

157 §13A-6-288

158 (a) In any prosecution brought for financial
159 exploitation of an adult with a disability, the crime shall be
160 considered to be committed in any county in which any party of
161 the crime took place, regardless of whether the defendant was
162 ever actually present in that county, or in the county of
163 residence of the person who is the subject of the financial
164 exploitation.

165 (b) Any prosecution brought for financial exploitation
166 of an adult with a disability shall be commenced within seven
167 years after the commission of the offense.

168 (c) It shall not be a defense to financial exploitation



169 of an adult with a disability that the accused reasonably
170 believed that the victim was not an adult with a disability.

171 §13A-6-289

172 Nothing in this article shall be construed to limit the
173 remedies available to the victims pursuant to any state law
174 relating to domestic violence, the Adult Protective Services
175 Act of 1976, or any other applicable law.

176 Section 2. Although this bill would have as its purpose
177 or effect the requirement of a new or increased expenditure of
178 local funds, the bill is excluded from further requirements
179 and application under Section 111.05 of the Constitution of
180 Alabama of 2022, because the bill defines a new crime or
181 amends the definition of an existing crime.

182 Section 3. This act shall become effective on October
183 1, 2024.