SENATE DOCKET, NO. FILED ON: 1/13/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Richard R. Tisei**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 passage of the accompanying bill:

An Act protecting disabled persons from financial exploitation.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Richard R. Tisei | Middlesex and Essex |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00118 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act protecting disabled persons from financial exploitation.

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

SECTION 1.  Section 1 of chapter 19C of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the words "disabled person," in line 4, the following words:-  or financial exploitation of a disabled person.

SECTION 2. Said section 1 is hereby further amended by inserting the following definition:-

"Financial exploitation", an act or omission by a caretaker, which causes a substantial monetary or property loss to a disabled person, or causes a substantial monetary or property gain to a caretaker, which gain would otherwise benefit the disabled person but for the act or omission of such caretaker; provided, however, that such an act or omission shall not be construed as financial exploitation if the disabled person has knowingly consented to such act or omission unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of force by such caretaker; and, provided further, that financial exploitation shall not be construed to interfere with or prohibit a bona fide gift by a disabled person or to apply to any act or practice in the conduct of any trade or commerce declared unlawful by section 2 of chapter 93 A of the General Laws.