STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

A N A C T

RELATING TO THE OFFICE OF ATTORNEY GENERAL -- ELDER JUSTICE PROSECUTION UNIT

Introduced By: Representatives Malik, Shanley, O’Neill, Picard, and Schadone

Date Introduced: February 17, 2005

Referred To: House Finance

It is enacted by the General Assembly as follows:

SECTION 1. Title 42 of the General Laws entitled "State Affairs and Government" is hereby amended by adding thereto the following chapter:

CHAPTER 9.2

ELDER JUSTICE PROSECUTION UNIT

42-9.2-1. Legislative findings. -- The general assembly finds and recognizes that:

(1) The proportion of Rhode Island's population that is sixty (60) years or older will dramatically increase in the next thirty (30) years.

(2) Elder abuse, neglect and exploitation have no boundaries, and cross all racial, socio-economic, gender and geographic lines.

(3) The federal government or congress has been slow to enact legislation to respond to the needs of victims of elder abuse, neglect and exploitation or to undertake prevention efforts.

(4) All citizens of Rhode Island should be protected from elder abuse, neglect and exploitation.

(5) That the public will benefit from a coordinated, multi-agency effort to ensure that the policy goals and laws established to protect Rhode Island's seniors from elder abuse, neglect and exploitation are achieved and enforced.

(6) In order to protect the public safety, health and welfare of Rhode Island's elder population, the general assembly finds it necessary to establish and fund an elder justice
prosecution unit within the department of attorney general.

**42-9.2-2. Definitions.** – As used in this chapter:

1. "Abuse" means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

2. "Caregiver" means any person who is for a significant period of time the primary caregiver and/or is primarily responsible for the management of the funds of a senior.

3. "Elder" means an individual sixty (60) years or older.

4. "Elder justice" means efforts to prevent, detect, treat, intervene in and prosecute elder abuse, neglect and exploitation and to protect elders while maximizing their autonomy as well as the recognition of an elder's rights, including the right to be free of abuse, neglect and exploitation.

5. "Exploitation" means the fraudulent or otherwise illegal, unauthorized or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, gain, or that results in depriving an elder of rightful access to or use of, benefits, resources, belongings, or assets by use of undue influence, harassment, duress, deception, false representation or false pretenses.

6. "Neglect" means the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an elder.

**42-9.2-3. Establishment.** – There shall be established and funded within the department of attorney general an elder justice prosecution unit. The elder justice prosecution unit shall be an assistant or special assistant attorney general appointed by the attorney general. Additionally, the unit shall have both an inspector and paralegal to be appointed by the attorney general. The elder justice prosecution unit is authorized to perform the following duties as the attorney general may direct:

1. Prosecute cases relating to elder abuse, neglect and exploitation;
2. Educate law enforcement department of elderly affairs personnel on investigative issues unique to elder justice;
3. Intervene in, or request that the state or any agency thereof initiate administrative, legal and legislative actions related to elder justice issues as determined by the attorney general.

SECTION 2. This act shall take effect upon passage.
This act would establish an elder justice prosecution unit in the department of attorney general. This unit would prosecute cases relating to elder abuse, neglect and exploitation, as well as intervene in or request initiation of administrative actions related to elder justice issues by the state or any agency thereof as determined by the attorney general. This act would take effect upon passage.