

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 937

Short Title: Domestic Elder Abuse or Neglect.

(Public)

Sponsors: Senators Lucas, Martin of Guilford, Warren, Hobbs, and Ballance.

Referred to: Judiciary I/Constitution

May 2, 1995

A BILL TO BE ENTITLED

AN ACT TO IMPOSE CRIMINAL PENALTIES FOR THE ABUSE OR NEGLECT OF
ELDER ADULTS LIVING AT HOME.

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 14 of the General Statutes is amended by
adding a new section to read:

"§ 14-32.3. Domestic elder abuse and neglect; penalties.

(a) It shall be unlawful for any caretaker to abuse or neglect an elder adult residing
at home, when the abuse or neglect is the result of an intentional act or omission that
causes mental injury, bodily injury, or death.

(b) Unless the conduct is prohibited by some other provision of law providing for
greater punishment:

(1) Any person who violates subsection (a) of this section is guilty of a
Class C felony where intentional conduct proximately causes the death
of the elder adult.

(2) Any person who violates subsection (a) of this section is guilty of a
Class E felony where culpably negligent conduct proximately causes the
death of the elder adult.

- 1 (3) Any person who violates subsection (a) of this section is guilty of a
2 Class F felony where intentional or culpably negligent conduct
3 proximately causes the serious bodily injury of the elder adult.
- 4 (4) Any person who violates subsection (a) of this section is guilty of a
5 Class H felony where this conduct proximately causes the mental injury
6 or bodily injury of the elder adult.
- 7 (c) For purposes of this section, the following definitions shall apply:
- 8 (1) 'Abuse or neglect' means the willful infliction of physical pain, injury,
9 or mental anguish; unreasonable confinement; or the willful deprivation
10 of essential services.
- 11 (2) 'Caretaker' means an individual who has the responsibility for the care
12 of the elder adult as a result of family relationship or who has assumed
13 the responsibility for the care of the elder adult voluntarily.
- 14 (3) 'Culpably negligent' is defined in G.S. 14-32.2.
- 15 (4) 'Elder adult' means an individual 60 years of age or older who is not
16 able to provide for his or her essential services.
- 17 (5) 'Essential services' means social, medical, psychiatric, psychological, or
18 legal services necessary to safeguard an individual's rights and resources
19 and to maintain the physical or mental well-being of the individual.
20 Essential services include the provision of medical care for physical and
21 mental health needs, assistance in personal hygiene, food, clothing,
22 adequately heated and ventilated shelter, protection from health and
23 safety hazards, and protection from physical mistreatment.
- 24 (d) Criminal process for a violation of this section may be issued only upon the
25 request of a district attorney.
- 26 (e) The provisions of this section shall not supersede any other applicable statutory
27 or common law offenses."
- 28 Sec. 2. This act becomes effective December 1, 1995, and applies to offenses
29 under this act that are committed on or after that date.