

HOUSE BILL NO. 334

INTRODUCED BY B. MERCER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CRIMINAL INTENT LAWS; PROVIDING THAT THE OFFENSE OF EXPLOITATION OF AN OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON BY TAKING THEIR FUNDS, ASSETS, OR PROPERTY REQUIRES DECEPTION, DURESS, MENACE, FRAUD, UNDUE INFLUENCE, OR INTIMIDATION; AND AMENDING SECTION 45-6-333, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-6-333, MCA, is amended to read:

"45-6-333. Exploitation of older person, incapacitated person, or person with developmental disability. (1) A person commits the offense of exploitation of an older person, an incapacitated person, or a person with a developmental disability if the person:

(a) purposely or knowingly obtains or uses or attempts to obtain or use an older person's, incapacitated person's, or developmentally disabled person's funds, assets, or property with the intent to temporarily or permanently deprive the older person, incapacitated person, or developmentally disabled person of the use, benefit, or possession of funds, assets, or property or to benefit someone other than the older person, incapacitated person, or developmentally disabled person by means of deception, duress, menace, fraud, undue influence, or intimidation; and

(b) (i) stands in a position of trust or confidence with the older person, incapacitated person, or developmentally disabled person; or

(ii) has a business relationship with the older person, incapacitated person, or developmentally disabled person.

(2) A person commits the offense of exploitation of an older person, an incapacitated person, or a person with a developmental disability if the person:

(a) purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person; and

1 (b) (i) stands in a position of trust or confidence with the older person, incapacitated person, or
2 developmentally disabled person; or

3 (ii) has a business relationship with the older person, incapacitated person, or developmentally disabled
4 person.

5 (3) A person convicted of the offense of exploitation of an older person, an incapacitated person, or a
6 person with a developmental disability shall be fined an amount not to exceed \$10,000 or be imprisoned in a state
7 prison for a term not to exceed 10 years, or both.

8 (4) As used in this section, the following definitions apply:

9 (a) "Developmental disability" has the meaning provided in 53-20-102.

10 (b) "Incapacitated person" has the meaning provided in 72-5-101.

11 (c) "Older person" means a person who is 65 years of age or older."

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