

Aging Committee JOINT FAVORABLE REPORT

Bill No.: SB-172

AN ACT CONCERNING A STUDY OF CRIMINAL PENALTIES FOR ABUSE,
ABANDONMENT AND FINANCIAL EXPLOITATION OF ELDERLY PERSONS,

Title: PERSONS WITH DISABILITIES OR CONSERVED PERSONS.

Vote Date: 3/10/2022

Vote Action: Joint Favorable Substitute Change of Reference to Judiciary

PH Date: 3/3/2022

File No.:

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SPONSORS OF BILL:

Aging Committee

REASONS FOR BILL:

This bill has been proposed to strengthen criminal penalties for the abuse, abandonment and financial exploitation of elderly persons, persons with disabilities or conserved persons. The bill would aim to help elderly residents from these actions, and more severely punish those who exploit and abandon elderly persons, or those with disabilities.

JFS language establishes a task force to study criminal penalties for abuse, abandonment, and financial exploitation of elderly persons, disabled or conserved persons. The task force is asked to submit its report by 1/1/23.

RESPONSE FROM ADMINISTRATION/AGENCY:

Dept. of Criminal Justice: They take no position on this bill but raised their concerns about the language of the proposal which may be problematic and have unintended consequences. The criminalization of inflicted emotional harm independent of any physical harm or threat of physical injury is very limited in our law. Laws have tended to steer away from criminalizing emotional harm and left that to civil actions through various emotional distress torts. Placing an elderly parent with dementia in a proper care facility would certainly cause them mental anguish. Also, the proposed structural changes to the statutes are deeply concerning "abuse" as used in the statutes define "abuse" as the "willful infliction of physical pain or mental anguish", however, the statutes define "abuse" in varying degrees as either "intentional", "knowing" or "reckless". They also have concerns that replacing "embezzlement, false pretenses or false promise" with "financial exploitation" rather than adding "financial

exploitation" to the list could create a challenge that the legislature's intent was to remove such conduct from the statute. They respectfully recommend that the Committee amend the legislation to remove the reference to "mental anguish" from the criminal statutes and to utilize "financial exploitation" as an additional term.

Ms. Mairead Painter, Long-Term Care Ombudsman, Dept. of Aging and Disability

Services: They are in support of a heightened level of protection and criminal penalties related to the abuse, abandonment or exploiting of the elderly. She stated that highlighting these crimes and calling for accountability, demonstrates the committee's commitment to all people having the ability to live safely.

NATURE AND SOURCES OF SUPPORT:

Ms. Kathleen Flaherty, Executive Director, CT Legal Rights Project: They appreciate that the committee has raised this bill to address violations of fiduciary duties owed to conserved persons. They have had difficulty addressing issues via requests for additional hearings in probate court or through appeals of probate court decisions in Superior Court. They are concerned that many questions are unanswered or need clarification.

Mr. William Lenahan, Fairfield Senior Advocates: They offered their comments in support of this legislation since the state is experiencing an increase in our aging population. They support the strengthening of criminal penalties for crimes against seniors. Seniors and persons with disabilities represent a vulnerable population that needs protection.

Ms. Carol Scully, Director of Advocacy, The Arc: She offered testimony in favor of this legislation. She suggests that "intellectual disability" be included in the language.

Ms. Sharon Gauthier, President, PAFY Inc.: She offers her comments in support of this proposal. She has seen numerous circumstances when seniors and disabled were taken advantage of by unscrupulous people.

NATURE AND SOURCES OF OPPOSITION:

Ms. Mag Morelli, President, LeadingAge CT: Their testimony is in opposition to this bill. They are opposed to section 5 of the bill since it doesn't contain any requirement of criminal intent for abandonment. They request language to specify criminal intent on the part of the caregiver in Section 5 and amended language to include a definition of "mental anguish" affecting this Section and 2 as well.

Mr. David Godbout, Constituent: He expressed opposition to all bills put forward by the committee under the claim of nullification.

Reported by:

Date: 3/16/22

**Cameron Clarke, Committee Clerk
Richard Ferrari, Assist. Clerk**

