



General Assembly

February Session, 2022

**Raised Bill No. 172**

LCO No. 1442



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT CONCERNING CRIMINAL PENALTIES FOR ABUSE,  
ABANDONMENT AND FINANCIAL EXPLOITATION OF ELDERLY  
PERSONS, PERSONS WITH DISABILITIES OR CONSERVED  
PERSONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 53a-123 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2022, and applicable to crimes committed on or after October 1, 2022*):

4 (a) A person is guilty of larceny in the second degree when he  
5 commits larceny, as defined in section 53a-119, and: (1) The property  
6 consists of a motor vehicle, the value of which exceeds ten thousand  
7 dollars, (2) the value of the property or service exceeds ten thousand  
8 dollars, (3) the property, regardless of its nature or value, is taken from  
9 the person of another, (4) the property is obtained by defrauding a  
10 public community, and the value of such property is two thousand  
11 dollars or less, (5) the property, regardless of its nature or value, is  
12 obtained by [embezzlement, false pretenses or false promise] financial  
13 exploitation and the victim of such larceny is (A) sixty years of age or

14 older, [or is] (B) a conserved person, as defined in section 45a-644, or [is  
15 blind or physically disabled, as defined in section 1-1f] (C) a person (i)  
16 with intellectual disability, as defined in section 1-1g, or (ii) physically  
17 disabled or diagnosed with a mental disability, as those terms are  
18 defined in section 46a-51, or (6) the property, regardless of its value,  
19 consists of wire, cable or other equipment used in the provision of  
20 telecommunications service and the taking of such property causes an  
21 interruption in the provision of emergency telecommunications service.  
22 For purposes of this subsection, "financial exploitation" means the  
23 knowing, intentional withholding, transfer or disposal of funds or  
24 property, without or in excess of legal authority, for wrongful profit or  
25 advantage, by means including, but not limited to, fraud, duress or  
26 undue influence.

27 Sec. 2. Section 53a-321 of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective October 1, 2022, and*  
29 *applicable to crimes committed on or after October 1, 2022*):

30 (a) As used in this section and sections 53a-322 and 53a-323, as  
31 amended by this act, (1) "abuse" means the wilful infliction of physical  
32 pain or mental anguish, (2) "elderly person" means a person sixty years  
33 of age or older, and (3) "person with a disability" means a person (A)  
34 with intellectual disability, as defined in section 1-1g, or (B) physically  
35 disabled or diagnosed with a mental disability, as those terms are  
36 defined in section 46a-51.

37 (b) A person is guilty of abuse in the first degree when such person  
38 intentionally commits abuse of an elderly [, blind or disabled person or  
39 a person with intellectual disability] person or a person with a disability  
40 and causes serious physical injury or mental anguish to such elderly [,  
41 blind or disabled person or person with intellectual disability] person or  
42 person with a disability.

43 [(b)] (c) Abuse in the first degree is a class C felony.

44 Sec. 3. Section 53a-322 of the general statutes is repealed and the  
45 following is substituted in lieu thereof (*Effective October 1, 2022, and*

46 *applicable to crimes committed on or after October 1, 2022):*

47 (a) A person is guilty of abuse in the second degree when such  
48 person: (1) Intentionally commits abuse of an elderly [, blind or disabled  
49 person or a person with intellectual disability] person or a person with  
50 a disability and causes physical injury to such elderly [, blind or disabled  
51 person or person with intellectual disability] person or person with a  
52 disability, or (2) knowingly commits abuse of an elderly [, blind or  
53 disabled person or a person with intellectual disability] person or  
54 person with a disability and causes serious physical injury to such  
55 elderly [, blind or disabled person or person with intellectual disability]  
56 person or person with a disability.

57 (b) Abuse in the second degree is a class D felony.

58 Sec. 4. Section 53a-323 of the general statutes is repealed and the  
59 following is substituted in lieu thereof (*Effective October 1, 2022, and*  
60 *applicable to crimes committed on or after October 1, 2022):*

61 (a) A person is guilty of abuse in the third degree when such person  
62 (1) knowingly commits abuse of an elderly [, blind or disabled person  
63 or a person with intellectual disability] person or a person with a  
64 disability and causes physical injury to such elderly [, blind or disabled  
65 person or person with intellectual disability] person or person with a  
66 disability, or (2) recklessly commits abuse of [an elderly, blind or  
67 disabled person or a person with intellectual disability] such elderly  
68 person or person with a disability and causes physical injury to such  
69 elderly [, blind or disabled person or person with intellectual disability]  
70 person or person with a disability.

71 (b) Abuse in the third degree is a class A misdemeanor.

72 Sec. 5. (NEW) (*Effective October 1, 2022, and applicable to crimes*  
73 *committed on or after October 1, 2022)* (a) As used in this section, (1)  
74 "abandonment" means the forgoing of duties or the withdrawal or  
75 neglect of duties and obligations owed by a caregiver to an elderly  
76 person or a person with a disability, including, but not limited to, a

77 failure to provide services that are necessary to maintain the physical  
 78 and mental health of such person, (2) "caregiver" means a person who  
 79 has the legal responsibility for the care of an elderly person or a person  
 80 with a disability, by contract, law or an order of a court of competent  
 81 jurisdiction, (3) "elderly person" and "person with a disability" have the  
 82 same meanings as provided in section 53a-321 of the general statutes, as  
 83 amended by this act, and (4) "services that are necessary to maintain  
 84 physical and mental health" means the provision or procurement of (A)  
 85 medical care for physical and mental health needs, and (B) assistance, as  
 86 necessary, with personal hygiene, food, clothing and adequately heated  
 87 and ventilated shelter.

88 (b) A caregiver is guilty of abandonment when such caregiver  
 89 abandons an elderly person or a person with a disability in such  
 90 caregiver's care and such abandonment causes physical injury or mental  
 91 anguish to the elderly person or person with a disability.

92 (c) Abandonment is a class C felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022, and applicable to crimes committed on or after October 1, 2022</i>	53a-123(a)
Sec. 2	<i>October 1, 2022, and applicable to crimes committed on or after October 1, 2022</i>	53a-321
Sec. 3	<i>October 1, 2022, and applicable to crimes committed on or after October 1, 2022</i>	53a-322
Sec. 4	<i>October 1, 2022, and applicable to crimes committed on or after October 1, 2022</i>	53a-323

Sec. 5	<i>October 1, 2022, and applicable to crimes committed on or after October 1, 2022</i>	New section
--------	--	-------------

**Statement of Purpose:**

To strengthen criminal penalties for abuse, abandonment and financial exploitation of elderly persons, persons with disabilities or conserved persons.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*