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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1339 Session of  
2017

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INTRODUCED BY CEPHAS, HAGGERTY, PASHINSKI, SCHLEGEL CULVER,  
BOYLE, RABB, YOUNGBLOOD, DAVIS, DONATUCCI, SOLOMON, BOBACK,  
SCHWEYER, MILLARD, SCHLOSSBERG, KINSEY, SAINATO, O'BRIEN,  
FREEMAN, HILL-EVANS, KIRKLAND, BIZZARRO, BULLOCK AND SIMS,  
MAY 5, 2017

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REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
MAY 5, 2017

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AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled  
2 "An act relating to the protection of the abused, neglected,  
3 exploited or abandoned elderly; establishing a uniform  
4 Statewide reporting and investigative system for suspected  
5 abuse, neglect, exploitation or abandonment of the elderly;  
6 providing protective services; providing for funding; and  
7 making repeals," in preliminary provisions, further providing  
8 for definitions; and, in reporting suspected abuse by  
9 employees, providing for financial abuse.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. The definition of "abuse" in section 103 of the  
13 act of November 6, 1987 (P.L.381, No.79), known as the Older  
14 Adults Protective Services Act, is amended and the section is  
15 amended by adding a definition to read:

16 Section 103. Definitions.

17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

1 \* \* \*

2 "Abuse." The occurrence of one or more of the following  
3 acts:

4 (1) The infliction of injury, unreasonable confinement,  
5 intimidation or punishment with resulting physical harm, pain  
6 or mental anguish.

7 (2) The willful deprivation by a caretaker of goods or  
8 services which are necessary to maintain physical or mental  
9 health.

10 (3) Sexual harassment, rape or abuse, as defined in the  
11 act of October 7, 1976 (P.L.1090, No.218), known as the  
12 Protection From Abuse Act.

13 (4) Financial abuse.

14 No older adult shall be found to be abused solely on the grounds  
15 of environmental factors which are beyond the control of the  
16 older adult or the caretaker, such as inadequate housing,  
17 furnishings, income, clothing or medical care.

18 \* \* \*

19 "Financial abuse." The intentional taking or retaining of,  
20 or assisting in the taking or retaining of, real or personal  
21 property of an older adult by undue influence, or any other  
22 means, for a wrongful purpose or with intent to defraud the  
23 older adult. Financial abuse may result in the inability of the  
24 older adult to fund basic necessities, including, but not  
25 limited to, food, shelter, utilities, medication, health care  
26 and long-term care services and support.

27 \* \* \*

28 Section 2. The act is amended by adding a section to read:  
29 Section 706.1. Financial abuse.

30 (a) General rule.--A person who commits financial abuse

1 shall be liable for:

2 (1) triple the value of the property recovered by an  
3 action taken under this section; and

4 (2) reasonable attorney fees and costs associated with  
5 legal action undertaken to recover the property.

6 (b) Venue.--An action for financial abuse of an older person  
7 may be brought in any county in which any part of the financial  
8 abuse took place, regardless of whether the defendant was  
9 present in that county.

10 (c) Statute of limitations.--An action for financial abuse  
11 shall be commenced within seven years after the commission of  
12 the offense.

13 (d) Defense.--It shall not be a defense to financial abuse  
14 that the defendant reasonably believed that the victim was not  
15 an older person.

16 Section 3. This act shall take effect in 60 days.