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FIFTY-ONE EXPERIMENTS IN COMBATING ELDER ABUSE:

A Survey of
State Criminal Laws
Relating to Elder Abuse
and Mandatory Reporting



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American Prosecutors Research Institute



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FIFTY-ONE EXPERIMENTS IN COMBATING ELDER ABUSE:

A Survey of State Criminal Laws Relating to Elder Abuse and Mandatory Reporting



Every state and the District of Columbia has sought to protect its seniors by criminalizing conduct that victimizes persons who attain a minimum age or have a diminished physical or mental capacity. In doing so, the states have taken divergent approaches. Three major differences are:

- Whether states have simply enhanced penalties for general felonies where older or disabled persons are victimized, or have specifically prohibited abuse, neglect, or exploitation of elderly or disabled persons;
- Who is included in the population protected by the statutes (some states use age as the demarcation, other states use diminished capacity, still other states use both); and
- What conduct against the elderly is criminalized (e.g., whether a state criminalizes neglect, includes emotional abuse in the definition of abuse, or treats financial exploitation as a separate crime or as a general fraud).

Other areas of divergence include whether the criminal statutes require a "special" relationship between the victim and the perpetrator, and whether the crime is considered a misdemeanor or felony. This publication summarizes the criminal laws that states have enacted to protect their elderly and disabled adult populations.

ENHANCEMENT V. SPECIFIC PROHIBITIONS

A majority of states (32) have enacted statutes wholly devoted to the criminalization of elder abuse, neglect, or exploitation. A dozen states have adopted

a mixed approach, enacting statutes that criminalize elder abuse, neglect, and/or exploitation, at the same time providing enhanced punishments for other crimes when a senior or "vulnerable" adult is a victim. However, in six states and the District of Columbia, statutes provide only for enhanced punishments for general crimes when seniors or vulnerable adults are victimized.

PROTECTED POPULATION

Currently, 14 states define the protected population with a minimum age requirement (generally 60 or 65, although Wisconsin specifies 62). Some 19 states define the protected population based upon the victim having a diminished physical or mental capacity. For example, Alaska protects anyone who is a "vulnerable adult," defined as "a person 18 years of age or older who, because of physical or mental impairment, is unable to meet the person's own needs or to seek help without assistance."¹ Alaska Stat. § 47.24.900. A number of states take yet a third approach, which is to define the protected population using either a minimum age requirement or a diminished capacity requirement.²

In terms of defining diminished capacity, states have used a variety of adjectives with "adult" or "person" to describe the protected population: "endangered" (Arkansas, Indiana), "at-risk" (Colorado), "infirm" (Delaware, Louisiana), "dependent" (Iowa, Kansas, Maine), "disabled" (Alabama, Florida, Illinois, Missouri, South Dakota), and "incapacitated" (Virginia, West Virginia). The common thread in the definitions of all these terms is that the victim has some physical or

mental disability requiring reliance upon others for his or her care.

From a prosecutorial perspective, how the protected class is defined can be important. For example, in Alaska the prosecution has to demonstrate that the victim falls within the definition and actually suffers from diminished capacity. On the other hand, California prosecutors need only prove that the victim is 65 or older.

In addition to specific prohibitions or punishment enhancements for elderly or vulnerable victims, a number of states have enacted criminal statutes to protect residents in nursing homes and other residential care facilities. Delaware has a prime example of a law that criminalizes the failure of a corporate officer or manager of a long-term care facility corporation to take prompt corrective action when notified of neglect of facility residents (16 Del. C. § 1136).³

EMOTIONAL ABUSE

Another area of divergence is whether states define “abuse” to include emotional abuse. At least 32 states criminalize emotional abuse in some manner. Some states, e.g. Arizona, specifically proscribe “emotional abuse”; other states, e.g. California, criminalize causing “mental suffering.” Generally, however, the proscriptions for emotional abuse apply only to caregivers or providers rather than the general population. Thus, to establish emotional abuse, the statutes often require the state to prove that the perpetrator had a duty of care to the victim.

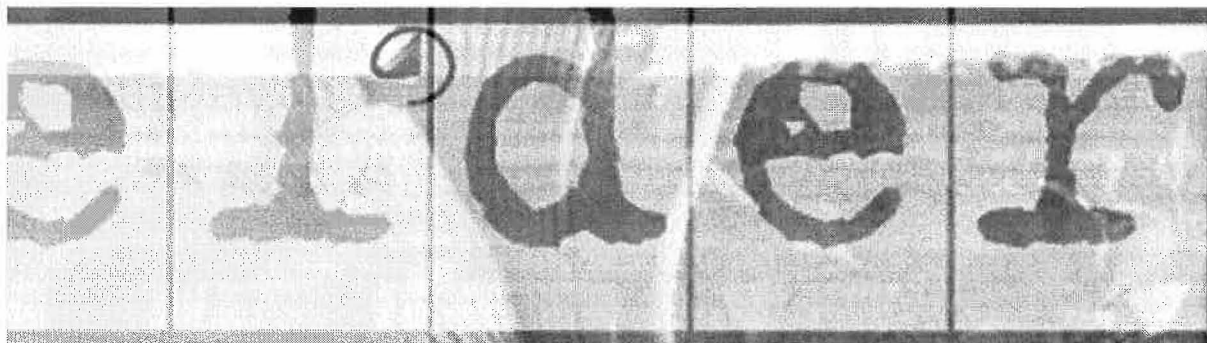
PERPETRATOR CLASSIFICATION

The statutes also differ in terms of which perpetrators are subject to the statutes. A number of states limit the application of their elder abuse, neglect and exploitation statutes to caretakers or care providers for the victims.

Some states make their statutes applicable to “any person,” while other states have statutes that apply to both the general population and caretakers or care providers. For example, Georgia’s elder abuse statute (which criminalizes “cruelty to persons 65 or older”) applies only to a “guardian or other person supervising the welfare or having immediate care for” the victim. On the other hand, Alabama’s abuse statute applies to “any person.” Illinois has some statutes for assault and battery of an older person (720 ILCS §§ 5/12-2 and 5/12-4) that apply to the general population and other statutes that apply only to caregivers (720 ILCS § 5/12-21). In states that require the existence of a special relationship between the victim and the perpetrator, prosecutors will have to prove this element of the crime beyond a reasonable doubt.

FINANCIAL EXPLOITATION

A majority of states have enacted specific financial exploitation statutes or provided for penalty enhancements for victimizing older persons as part of their general theft or fraud statutes.⁴ However, there is great disparity among the states in terms of the total amount of loss required for felony punishment and the severity of that punishment. In some states, e.g., Florida, financial exploitation is a felony, regardless of the amount of loss; in others, e.g., Idaho, financial exploitation is a misdemeanor, regardless of the amount of loss. In addition, as with elder abuse and neglect, some states limit the application of exploitation statutes to caregivers or persons having a fiduciary relationship with the victim, while other states have made the statutes applicable to the general population.



ABUSE AND NEGLECT

There is great variation among the states in the range of punishment. Most states make elder abuse and neglect a felony crime, dependent upon the severity of injury to the victim. Elder abuse and neglect that results in only minimal or no injury to the victim is often punished as a misdemeanor. In a small minority of states, e.g., Maine, elder abuse or neglect is a misdemeanor, regardless of the severity of the injury.

MANDATORY REPORTING STATUTES

Forty-six states have statutes that place an affirmative duty on certain types of persons to report elder abuse and neglect. In 38 of these states, failure to report is a criminal offense. Failure to report is, generally, punishable only as a misdemeanor. Colorado, North Dakota, South Dakota, and Wisconsin have statutes that encourage voluntary reporting.

While some states apply this reporting duty to the general population, the prevailing trend is to classify mandatory reporters by occupation. The occupations generally subject to mandatory elder abuse and neglect reporting requirements are law enforcement, clergy, social service providers, medical professionals, and caregivers. The statutes generally mandate that reports be made to the state's adult protective services (APS) agency. The state's statutory scheme usually provides a specific procedure for the APS agency to follow in handling the report, commonly requiring referral to a law enforcement agency and, on occasion, to the local prosecutor's office.

STATUTORY TABLES

On the following pages are two statutory tables.⁵ Table 1 identifies the protected population and prohibited conduct covered by each state's statutes. Table 2 is a list of mandatory reporting statutes for elder abuse, neglect, and exploitation, identifying the mandatory reporters and whether failure to report is a criminal offense. These tables also are available for downloading at <http://www.ndaa-apri.org/>. These tables are current as of June 30, 2003. Readers are urged however, to consult the most recent edition of any specific statute of interest to ensure that it has not been amended.

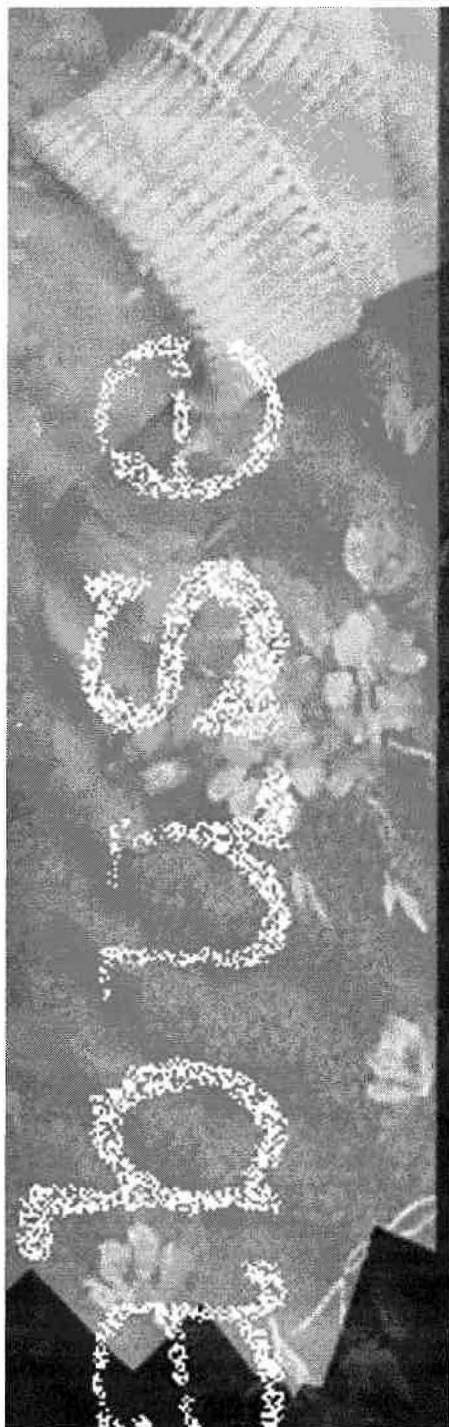
¹ Several other states also use the term "vulnerable adult" including: Arizona, Idaho, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New York, North Dakota, South Carolina, and Washington.

² For a discussion of criminal liability and whether criminal elder abuse statutes provide adequate notice of who is in the protected population, see *Prosecution of Elder Abuse, Neglect, and Exploitation*, American Prosecutors Research Institute (APRI), July 2003.

³ See also K.S.A. § 21-3425 (criminalizes intentional abuse or neglect of patients in nursing homes or hospitals).

⁴ Financial exploitation of older persons also is discussed in *Prosecution of Elder Abuse, Neglect, and Exploitation*, APRI, July 2003, and *Telemarketing Fraud Prevention and Prosecution*, APRI, July 2003.

⁵ The American Prosecutors Research Institute compiled these tables primarily through review of the state statutory databases online at LexisNexis®. In addition, the following sources were used to cross-check the statutory databases: Moskowitz, Seymour, *Saving Granny From the Wolf*, 31 Conn. L. Rev. 77, Fall 1998; Dayton, Kim, *Mandatory Reporters Table*, 2002.





| State | Statute | Criminal Penalty | Mandatory Reporters | | | | | |
|------------|--|------------------|---------------------------|--------|--------------------------|----------------------|---------------------|--------|
| | | | Law Enforcement Personnel | Clergy | Social Service Personnel | Medical Professional | Adult Care Provider | Anyone |
| Alabama | Code of Ala. § 38-9-8, Abuse, Neglect, or Exploitation; Reports | | | | | X | X | |
| | Code of Ala. § 38-9-10, Abuse, Neglect or Exploitation, Penalty for Failure to Report | X | | | | | | |
| Alaska | Alaska Stat. § 47.24.010 ¹ Reports of Harm | X ² | X | X | X | X | X | |
| Arizona | A.R.S. § 46-454, Duty to Report Abuse, Neglect and Exploitation of Incapacitated or Vulnerable Adults; Duty to Make Medical Records Available ³ | X | X | | X | X | X | |
| Arkansas | A.C.A. § 5-28-203, Persons Required to Report Abuse ⁴ | | X | | X | X | X | |
| | A.C.A. § 5-28-202, Penalties for Failure to Report Abuse | X ⁵ | | | | | | |
| California | Cal Wel & Inst Code § 15630, Duties of Mandated Reporter | X | X | X | X | X | X | |
| | Cal Health & Saf Code § 1418.91, Reporting Abuse | X | | | | | X ⁶ | |

¹ Alaska Stat. § 47.24.010 (a) also provides that a guardian or conservator; a staff employee of a project funded by the Department of Administration for the provision of services to Older Alaskans, the Department of Health and Social Services, or the Council on Domestic Violence and Sexual Assault; and emergency medical technicians or mobile intensive care paramedics are also mandated reporters.

² Alaska Stat. § 47.24.010 (c) also provides: If a person convicted under this section is a member of a profession or occupation that is licensed, certified, or regulated by the state, the court shall notify the appropriate licensing, certifying, or regulating entity of the conviction.

³ A.R.S. § 46-454 (B) provides: An attorney, accountant, trustee, guardian, conservator or other person who has responsibility for preparing the tax records of an incapacitated or vulnerable adult or a person who has responsibility for any other action concerning the use or preservation of the incapacitated or vulnerable adult's property and who, in the course of fulfilling that responsibility, discovers a reasonable basis to believe that exploitation of the adult's property has occurred or that abuse or neglect of the adult has occurred shall immediately report or cause reports to be made of such reasonable basis to a peace officer, to a protective services worker or to the public fiduciary of the county in which the incapacitated or vulnerable adult resides.

⁴ A.C.A. § 5-28-203 also designates firefighters, emergency medical technicians, and banking and financial institution employees, as mandated reporters.

⁵ A.C.A. § 5-28-202 (b) Any person or caregiver required by this chapter to report a case of suspected abuse, neglect, or exploitation who purposely fails to do so can also be civilly liable for damages proximately caused by the failure.

⁶ Cal Health & Saf Code § 1418.91 limits the mandated reporter to a long-term health care facility.

| State | Statute | Criminal Penalty | Mandatory Reporters | | | | | |
|-----------------------|---|-----------------------------|---------------------------|--------|--------------------------|----------------------|---------------------|--------|
| | | | Law Enforcement Personnel | Clergy | Social Service Personnel | Medical Professional | Adult Care Provider | Anyone |
| Colorado ⁷ | C.R.S. 26-3.1-102, Reporting Requirements (Urges listed individuals to make reports in cases of mistreatment or self-neglect of at-risk adults) | | | | | | | |
| | C.R.S. 26-3.1-204, Reporting (Urges listed individuals to make reports in cases of suspected financial exploitation of at-risk adults) | | | | | | | |
| Connecticut | Conn. Gen. Stat. § 17b-451, Report of Suspected Abuse, Neglect, Exploitation, Abandonment or Need for Protective Services. | X ⁸ | X | X | X | X | X | |
| Delaware | 31 Del. C. § 3910, Duty to Report | | | | | | | X |
| | 16 Del. C. § 1132, Reporting Requirements | See footnote ⁹ | | | | | X ¹⁰ | |
| District of Columbia | D.C. Code § 7-1903, ¹¹ Reporting Requirements | | X | | X | | | |
| | D.C. Code § 44-105.09, Abuse, Neglect, and Exploitation | See footnote. ¹² | | | | | X | |
| Florida | Fla. Stat. § 415.1034, Mandatory Reporting of Abuse, Neglect, or Exploitation of Vulnerable Adults ¹³ | | X | | X | X | X | X |
| | Fla. Stat. § 415.111, Criminal Penalties | X | | | | | X | |

⁷ Colorado's reporting requirements are not mandatory, only suggested.

⁸ Conn. Gen. Stat. § 17b-451 (a) provides that any person required to report under the provisions of this section who fails to make such report shall be fined not more than \$500.

⁹ 16 Del. C. § 1132 provides that any person required by subsection (a) of this section to make an oral and a written report who fails to do so shall be liable for a civil penalty not to exceed \$1,000 per violation.

¹⁰ 16 Del. C. § 1132 requires any employee of a facility or anyone who provides services to a patient or resident of a facility on a regular or intermittent basis to report abuse, mistreatment, neglect, or financial exploitation.

¹¹ D.C. Code § 7-1903 also designates conservators, court-appointed mental retardation advocates, and guardians as mandated reporters.

¹² D.C. Code § 44-105.09 provides an assisted living residence (ALR) or employee of an ALR may be subject to a penalty imposed by the Mayor for failure to report an alleged incident of abuse, neglect, or exploitation pursuant to Chapter 19 of Title 7.

¹³ Fla. Stat. § 415.1034 also designates as mandatory reporters: employees of the Department of Business and Professional Regulation conducting inspections of public lodging establishments; Florida advocacy council members or long-term care ombudsman council members; bank, savings and loan, or credit union officers, trustees, or employees; and practitioners who rely solely on spiritual means for healing.

| State | Statute | Criminal Penalty | Mandatory Reporters | | | | | |
|----------|--|------------------|---------------------------|--------|--------------------------|----------------------|---------------------|--------|
| | | | Law Enforcement Personnel | Clergy | Social Service Personnel | Medical Professional | Adult Care Provider | Anyone |
| Georgia | O.C.G.A. § 30-5-4, Reporting of Need for Protective Services ¹⁴ | | X | | X | X | X | |
| | O.C.G.A. § 30-5-8, Criminal Offenses and Penalties | X | | | | | X | |
| Hawaii | HRS § 346-224, Reports | X | X | | X ¹⁵ | X | X | |
| Idaho | Idaho Code 39-5303, Duty to Report Cases of Abuse, Neglect or Exploitation ¹⁶ | X ¹⁷ | X | | X | X | X | |
| Illinois | § 320 ILCS 20/2, Definitions ¹⁸ | | X | | X | X | X | |
| | § 320 ILCS 20/4 Reports of Abuse or Neglect | | | | | | | |
| Indiana | Ind. Code § 12-10-3-9, Endangered Adults Reports | | | | | | | X |
| | Ind. Code § 35-46-1-13, Endangered Adult--Failure to Report Battery, Neglect or Exploitation | X | | | | | | |
| Iowa | Iowa Code § 235B.3, Dependent Adult Abuse Reports ¹⁹ | X | X | | X | X | X | |

¹⁴ O.C.G.A. § 30-5-4 (B) also states: Except as provided in this paragraph, any employee of a financial institution, as defined in Code Section 7-1-4, having reasonable cause to believe that a disabled adult or elder person has been exploited shall report or cause reports to be made in accordance with the provisions of this Code section.

¹⁵ HRS § 346-224 (a) (2) includes the following as mandatory reporters: employees or officers of any public or private agency or institution providing social, medical, hospital or mental health services, including financial assistance.

¹⁶ Idaho Code § 39-5303 also designates ombudsmen for the elderly as mandatory reporters.

¹⁷ Idaho Code § 39-5303(2) also provides for civil and administrative penalties in the event of a failure to report by an employee at a state licensed or certified residential facility.

¹⁸ § 320 ILCS 20/2 (2002) also designates as mandatory reporters: any of the occupations required to be licensed under the Illinois Public Accounting Act; Christian Science practitioners; personnel of the Guardianship and Advocacy Commission; the State Fire Marshal; local fire departments; the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies; and the Office of State Long Term Care Ombudsman.

¹⁹ Iowa Code § 235B.3 also designates the following persons as mandatory reporters: members of the staff or employees of a supported community living service, sheltered workshop, or work activity center; and persons who perform inspections of elder group homes for the department of elder affairs and resident advocate committee members assigned to an elder group home pursuant to chapter 231B. § 235B.3 also states: a person required by this section to report a suspected case of dependent adult abuse who knowingly fails to do so or who knowingly, in violation of subsection 3, interferes with the making of such a report or applies a requirement that results in such a failure is civilly liable for the damages proximately caused by the failure.

| State | Statute | Criminal Penalty | Mandatory Reporters | | | | | |
|---------------|---|------------------|---------------------------|--------|--------------------------|----------------------|---------------------|--------|
| | | | Law Enforcement Personnel | Clergy | Social Service Personnel | Medical Professional | Adult Care Provider | Anyone |
| Kansas | K.S.A. § 39-1402, Abuse, Neglect or Exploitation of Residents ²⁰ | X | | | X | X | X | |
| | K.S.A. § 39-1431, Abuse, Neglect or Exploitation of Certain Adults ²¹ | X | X | | X | X | X | |
| Kentucky | KRS § 209.030, Rules and Regulations--Reports--Cabinet actions | | X | | X | X | X | X |
| | KRS § 209.990, Penalties | X | | | | | | |
| Louisiana | La. R.S. 14:403.2, Abuse and Neglect of Adults | X | | | X | X | | X |
| Maine | 22 M.R.S. § 3477, Persons Mandated to Report Suspected Abuse, Neglect or Exploitation ²² | | X | X | X | X | X | |
| Maryland | Md. Family Law Code § 14-302, Reporting Abuse, etc. | | X | | X | X | | |
| Massachusetts | ALM GL ch. 19A, § 15, Abuse of Elderly Persons | X ²³ | X | | X | X | X | |
| Michigan | MCL § 330.1723, Suspected Abuse of Recipient or Resident | | | | | X ²⁴ | | |
| | MCL § 330.1723C, Violation of § 330.1723 or Making of False Report as Misdemeanor; Civil Liability | X ²⁵ | | | | | | |
| | MCL § 400.11a, Suspected Neglect, Abuse, Exploitation | | X | | X | X | | |
| | MCL § 400.11e, Failure to Report; Civil Fine; Deposit in General Fund | X ²⁶ | | | | | | |

²⁰ K.S.A. § 39-1402 also designates as mandatory reporters teachers; bank and other financial institution officers; and governmental assistance providers.

²¹ K.S.A. § 39-1431 also designates teachers; guardians or conservators; bank trust officers; and holders of a power of attorney.

²² Also requires any person who has assumed full, intermittent, or occasional responsibility for the adult or any State Humane Agent to report.

²³ ALM GL ch. 19A, § 15 states: any person so required to make such reports who fails to do so shall be punished by a fine of not more than one thousand dollars.

²⁴ MCL § 330.1723 designates as mandatory reporters: mental health professional, a person employed by or under contract to the department, licensed facility, or a community mental health services program; or a person employed by a provider under contract to the department, a licensed facility, or a community mental health services program.

²⁵ MCL § 330.1723C also provides that an individual who violates section 723 is civilly liable for the damages proximately caused by the violation.

²⁶ MCL § 400.11e also provides that failure to report will result in civil liability for the damages proximately caused by the failure to report and a civil fine of not more than \$500.00 for each failure to report.

| State | Statute | Criminal Penalty | Mandatory Reporters | | | | | |
|---------------|---|------------------|---------------------------|--------|--------------------------|----------------------|---------------------|--------|
| | | | Law Enforcement Personnel | Clergy | Social Service Personnel | Medical Professional | Adult Care Provider | Anyone |
| Minnesota | Minn. Stat. § 626.5572, Definitions | | X | | X | X | X | |
| | Minn. Stat. § 626.557, Reporting of Maltreatment of Vulnerable Adults ²⁷ | | | | | | | |
| | Minn. Stat. § 609.234, Failure to Report | X ²⁸ | | | | | | |
| Mississippi | Miss. Code § 43-47-7, Reporting Abuse, Neglect, or Exploitation ²⁹ | X ³⁰ | X | | X | X | X | X |
| | Miss. Code § 43-47-37, Reporting of Abuse and Exploitation of Patients and Residents of Care Facilities | X | | | | | X | |
| Missouri | § 198.070 R.S. Mo, Abuse or Neglect of Residents--Reports, When, by Whom | X | X | X | X | X | X | X |
| | § 565.188 R.S. Mo. (2001) Report of Elder Abuse, Penalty--False Report, Penalty ³¹ | X ³² | X | | X | X | X | |
| Montana | Mont. Code § 52-3-825, Penalties | X | | | | | | |
| | Mont. Code 52-3-811, Reports ³³ | | X | | X | X | X | |
| Nebraska | R.R.S. Neb. §28-384, Failure to Make Report | X | | | | | | |
| | R.R.S. Neb. § 28-372, Report of abuse | | X | | X | X | X | |
| Nevada | Nev. Rev. Stat. § 200.5093, Reports: Voluntary and Mandatory ³⁴ | X | X | X | X | X | X | |
| New Hampshire | RSA § 161-F: 46, Reports of Adult Abuse | | X | X | X | X | | X |
| | 12 RSA § 161-F:50, Penalty for Violation | X | | | | | | |

²⁷ Minn. Stat. § 626.557 also designates as mandatory reporters: professionals or professional's delegates while engaged in education; and employees of a rehabilitation facility certified by the commissioner of jobs and training for vocational rehabilitation.

²⁸ Minn. Stat. § 626.557 Subd. 7 states: A mandated reporter who negligently or intentionally fails to report is liable for damages caused by the failure.

²⁹ Miss. Code § 43-47-7 also designates as mandatory reporters: attorneys; human rights advocacy committee or long-term care ombudsman council members; accountants; stockbrokers; financial advisors or consultants; insurance agents or consultants; investment advisors or consultants; financial planners; or any officers or employees of a bank, savings and loan, credit union or any other financial service provider.

³⁰ Miss. Code § 43-47-7 also provides: If a person convicted under this section is a member of a profession or occupation that is licensed, certified or regulated by the state, the court shall notify the appropriate licensing, certifying or regulating entity of the conviction.

³¹ § 565.188 R.S. Mo. also designates as mandatory reporters: Christian Science practitioners, embalmers and funeral home directors.

³² Also provides any administrator who knowingly conceals an act of abuse or neglect commits a Class D felony.

³³ Mont. Code §52-3-811 also designates as mandatory reporters: ambulance attendants; and attorneys, unless the attorney acquired the information under attorney-client privilege.

³⁴ Nev. Rev. Stat. § 200.5093 also designates as mandatory reporters: attorneys, unless they have acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation or isolation; persons who maintain, are employed by or serve as volunteers for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of older persons and refers them to persons and agencies where their requests and needs can be met; any person who owns or is employed by a funeral home or mortuary; athletic trainers; substance abuse counselors; and Christian Science practitioners.

| State | Statute | Criminal Penalty | Mandatory Reporters | | | | | |
|----------------|---|------------------|---------------------------|--------|--------------------------|----------------------|---------------------|-----------------|
| | | | Law Enforcement Personnel | Clergy | Social Service Personnel | Medical Professional | Adult Care Provider | Anyone |
| New Jersey | N.J. Stat. § 52:27D-419, Report of Alleged Criminal Act | | | | X | | | |
| | N.J. Stat. § 30:1A-3, Suspicion of Abuse or Exploitation of Resident of Residential Health Care Facility | | | | | | | X |
| New Mexico | N.M.Stat. § 27-7-30 Duty to Report | X | | | | | | X |
| | N.M.Stat. § 30-47-9, Reporting Requirements | X | | | | | X ³⁵ | X ³⁶ |
| | N.M. Stat. § 28-17-9, Referrals ³⁷ | | | | | | | |
| New York | NY CLS Pub. Health § 2803-d, Reporting Abuses of Persons Receiving Care or Services in Residential Health Care Facilities | X ³⁸ | | | X | X | | |
| | NY CLS Soc. Serv. § 473, Protective Services ³⁹ | | | | X | | | |
| North Carolina | N.C. Gen. Stat. § 108A-102, Duty to Report | | | | | | | X |
| North Dakota | N.D.Cent. Code, § 50-25.2-03, Voluntary Reporting of Abuse or Neglect ⁴⁰ | | | | | | | |
| Ohio | O.R.C. § 5101.61, Duty to Report Abuse, Neglect or Exploitation of Adult ⁴¹ | | X | X | X | X | X | |
| Oklahoma | 43A Okl. St. § 10-104, Persons Required to Report Abuse ⁴² | X | X | | X | X | X | X |

³⁵ N.M. Stat. §30-47-9 designates as mandatory reporters any person paid in whole or part for providing to a resident any treatment, care, good, service or medication who has reasonable cause to believe that the resident has been abused, neglected or exploited.

³⁶ N.M. Stat. §30-47-9 requires any other person to make a report if the person has reasonable cause to believe that a patient or resident of a facility has been abused, neglected or exploited.

³⁷ N.M. Stat. § 28-17-9 provides: When abuse, neglect or exploitation of a patient, resident or client of a long-term care facility is suspected, the office (office of the state long-term care ombudsman) shall make a referral to adult protective services and licensing and certification, where appropriate.

³⁸ NY CLS Pub Health § 2803-d also mandates that the commissioner shall report instances of failure to report as required by this section, to the appropriate committee on professional conduct for the professions enumerated in subdivision one of this section when a determination has been made after the commissioner has provided an opportunity to be heard.

³⁹ Voluntary reporting with the exception of social service personnel.

⁴⁰ North Dakota does not require mandatory reporting.

⁴¹ ORC § 5101.61 also designates as mandatory reporters: attorneys.

⁴² 43A Okl. St. § 10-104 also includes as mandatory reporters, the staff of domestic violence programs.

| State | Statute | Criminal Penalty | Mandatory Reporters | | | | | |
|----------------------------|---|------------------|---------------------------|--------|--------------------------|----------------------|---------------------|-----------------|
| | | | Law Enforcement Personnel | Clergy | Social Service Personnel | Medical Professional | Adult Care Provider | Anyone |
| Oregon | ORS § 124.060, Duty of Officials to Report ⁴³ | | X | X | X | X | X | |
| | ORS § 124.990, Criminal Penalty | X | | | | | | |
| Pennsylvania | 35 P.S. § 10225.701, Reporting by Employees | | | | | | X ⁴⁴ | |
| | 35 P.S. § 10225.706, Penalties | X | | | | | | |
| Rhode Island | R.I. Gen. Laws § 42-66-8, Abuse of Elderly Persons--Duty to Report | X | | | | | | X |
| South Carolina | S.C. Code § 43-35-25, Persons Required to Report Abuse, Neglect, or Exploitation of Adult ⁴⁵ | | X | | X | X | X | X ⁴⁶ |
| | S.C. Code § 43-35-85, Penalties | X ⁴⁷ | | | | | | |
| South Dakota ⁴⁸ | S.D. Codified Laws § 22-46-6, Immunity from Liability for Reporting Abuse or Neglect of Disabled Adults | | | | | | | |
| Tennessee | Tenn. Code § 71-6-103, Reports of Abuse or Neglect | | | | X | X | X | X |
| | Tenn. Code § 71-6-110, Violation of Duty to Report | X | | | | | | |

⁴³ ORS § 124.060 designates as mandatory reporters: any public or private official having reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact, while acting in an official capacity, has suffered abuse, or that any person with whom the official comes in contact while acting in an official capacity has abused a person 65 years of age or older. ORS § 124.050 (2001) defines "public or private official" as any: physician; naturopathic physician; osteopathic physician; chiropractor or podiatric physician and surgeon; including any intern or resident; licensed practical nurse; registered nurse; nurse's aide; home health aide; or employee of an in-home health service; employee of the Department of Human Services, county health department or community mental health and developmental disabilities program; peace officer; member of the clergy; licensed clinical social worker; physical, speech or occupational therapists; senior center employee; information and referral or outreach worker; licensed professional counselor or licensed marriage and family therapist; and any public official who comes in contact with elderly persons in the performance of the official's official duties.

⁴⁴ 35 P.S. § 10225.701 mandates that suspected cases of care recipient abuse are reported to the protective services agency. Suspected cases of sexual abuse, serious physical injury or serious bodily injury or suspicious deaths are required to be reported to the protective services agency, the Department of Aging of the Commonwealth and law enforcement officials.

⁴⁵ S.C. Code § 43-35-25 also designates as mandatory reporters: schoolteachers; Christian Science practitioners; and religious healers.

⁴⁶ S.C. Code § 43-35-25 requires any other person who has actual knowledge that a vulnerable adult has been abused, neglected, or exploited to report the incident in accordance with this section. This code section also requires the enumerated individuals to report the incident if they have "reason to believe" that a vulnerable adult has been or is likely to be abused, neglected, or exploited.

⁴⁷ S.C. Code § 43-35-85 also provides that a person required to report under this chapter who has reason to believe that abuse, neglect, or exploitation has occurred or is likely to occur and who knowingly and willfully fails to report the abuse, neglect, or exploitation is subject to disciplinary action as may be determined necessary by the appropriate licensing board.

⁴⁸ South Dakota does not have any mandatory reporting requirements.

| State | Statute | Criminal Penalty | Mandatory Reporters | | | | | |
|---------------|---|------------------|---------------------------|--------|--------------------------|----------------------|---------------------|--------|
| | | | Law Enforcement Personnel | Clergy | Social Service Personnel | Medical Professional | Adult Care Provider | Anyone |
| Texas | Tex. Hum. Res. Code § 48.051, Report | | | | | | | X |
| | Tex. Hum. Res. Code § 48.052, Failure to Report | X | | | | | | |
| | Tex. Health & Safety Code § 242.122, Reporting of Abuse and Neglect ⁴⁹ | | | | | | | |
| | Tex. Health & Safety Code § 242.131, Failure to Report | X | | | | | | X |
| Utah | Utah Code § 62A-3-305, Reporting Requirements | X | | | | | | X |
| | Utah Code § 76-5-111.1, Reporting Requirements | X | | | X | X | X | X |
| Vermont | 33 V.S.A. § 6903, Suspected Abuse, Neglect and Exploitation of Elderly or Disabled Adults ⁵⁰ | | X | | X | X | X | |
| | 33 V.S.A. § 6913, Penalties | X | | | | | | |
| Virginia | Va. Code § 63.2-1606, Protection of Aged or Incapacitated Adults | X ⁵¹ | X | | X | X | X | |
| Washington | Rev. Code Wash. § 74.34.035, Reports ⁵² | | X | | X | X | X | |
| | Rev. Code Wash. § 74.34.020 (2002) Definitions | | | | | | | |
| | Rev. Code Wash. § 74.34.053 Failure to Report--False Reports—Penalties ⁵³ | X | | | | | | |
| West Virginia | W. Va. Code § 9-6-9, Mandatory Reporting of Incidences of Abuse, Neglect or Emergency Situation ⁵⁴ | | X | | X | X | X | |
| | W. Va. Code § 9-6-14, Failure to Report | X | | | | | | |

⁴⁹ This code section governs persons, including an owner or employee of an institution, who have cause to believe that the physical or mental health or welfare of a resident has been or may be adversely affected by abuse or neglect caused by another person.

⁵⁰ 33 V.S.A. § 6903 also designates as mandatory reporters: school teachers; school librarians; school administrators; school guidance counselors; school aides; school bus drivers; and school employees or school contractors who work regularly with students.

⁵¹ Any person who is found guilty of failing to make a required report or notification pursuant to subsection A or C of this section, within 24 hours of having the reason to suspect abuse shall be fined not more than \$500 for the first failure and not less than \$100 nor more than \$1,000 for any subsequent failures.

⁵² Rev. Code Wash. § 74.34.020 also designates as mandatory reporters: professional school personnel; and Christian Science practitioners.

⁵³ Provides an exception from mandatory reporting under specific circumstances for an assault between vulnerable adults with minor bodily injuries requiring only basic first aid.

⁵⁴ W. Va. Code § 9-6-9 also designates as mandatory reporters: Christian Science practitioners; religious healers; and state or regional ombudsman.

| State | Statute | Criminal Penalty | Mandatory Reporters | | | | | |
|-------------------------|---|------------------|---------------------------|--------|---------------------------|----------------------|---------------------|--------|
| | | | Law Enforcement Personnel | Clergy | Social Services Personnel | Medical Professional | Adult Care Provider | Anyone |
| Wisconsin ⁵⁵ | Wis. Stat. § 46.90, Elder Abuse Reporting System (Voluntary Reporting) | | | | | | | |
| Wyoming | Wyo. Stat. § 35-20-103, Reports of Abuse, Neglect or Exploitation of Vulnerable Adult | | | | | | | X |
| | Wyo. Stat. § 35-20-111, Duty to Report | X | | | | | | |

⁵⁵ Wisconsin has only voluntary reporters.



| State | Statute | Protected Population | Prohibited Conduct ¹ | | | | | |
|---------|--|----------------------------|---|-----------------|--|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Alabama | Ala. Code § 38-9-7, Abuse, Neglect or Exploitation | Aged or Disabled Adult 18+ | Intentionally causing serious physical injury (Class B) Recklessly causing serious physical injury (Class C) Intentionally causing physical injury (Class C) Recklessly causing physical injury (Class A) | (Class A) | Loss of: more than \$100 (Class C); \$100 or less (Class A) | | | |

¹ Throughout this table, conduct punishable as a felony is printed in bold type; conduct punishable as a misdemeanor is printed in regular type.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------|---|----------------------|---|-----------------|------------------------|-----------------|----------------|--------------|
| | | | Physical Abuse/Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Alaska | Alaska Stat. § 11.51.200, Endangering Welfare of a Vulnerable Adult In the First Degree ² | Vulnerable Adult 18+ | Intentionally abandons creating substantial risk of injury (Class C) Fails without lawful excuse to provide support which results in serious physical injury (Class C) | | | | | |
| | Alaska Stat. § 11.51.210, Endangering Welfare of a Vulnerable Adult In the Second Degree ³ | | Fails without lawful excuse to provide support (Class A) | | | | | |

² Applies only to persons who are caring for vulnerable adults by contract or authority of law or in a state-licensed facility or program.

³ Applies only to persons who are caring for vulnerable adults by contract or authority of law or in a state-licensed facility or program.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------|---|---------------------------------------|--|---------------------------------------|--|--|--|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Arizona | A.R.S. § 13-3623, Child or Vulnerable Adult Abuse | Vulnerable Adult 18+ | Intentionally or knowingly (Class 2); recklessly (Class 3); or with criminal negligence (Class 4)⁴ Intentionally or knowingly (Class 4), recklessly (Class 5), or with criminal negligence (Class 6)⁵ | Knowingly engages in (Class 6) | | Intentional physical harm included in definition of abuse | Included in definition of abuse | |
| | A.R.S. § 13-1802, Theft ⁶ | Incapacitated or Vulnerable Adult 18+ | | | Loss of: \$25,000 or more (Class 2); less than \$25,000 to \$3,000 (Class 3); less than \$3,000 to \$2,000 (Class 4); less than \$2,000 to \$1,000 (Class 5); less than \$1,000 to \$250 (Class 6); less than \$250 (Class 1) | | | |

⁴ Under circumstances likely to produce death or serious physical injury, causes physical injury or if has care or custody causes or permits injury, or causes or permits endangering.

⁵ Under circumstances other than those likely to produce death or serious physical injury, causes physical injury or abuse, or if has care or custody causes or permits injury, or causes or permits endangering.

⁶ Knowingly takes control, title, use, or management through intimidation or deception while acting in a position of confidence.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|--|----------------------------------|--|-----------------|--|---|---|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Arkansas | A.C.A § 5-28-103, Criminal Penalties for Adult Abuse | Endangered or Impaired Adult 18+ | <p>Purposely abuses causing: serious physical injury or substantial risk of death (Class B); physical injury (Class D); no physical injury (Class B)</p> <p>Neglect causing: serious physical injury or substantial risk of death (Class D); physical injury (Class B)</p> | | <p>Loss of: more than \$2,500 (Class B); less than \$2,500 but more than \$200 (Class C); \$200 or less (Class A)</p> | <p>Intentional and unnecessary physical act which inflicts pain or causes injury included in definition of abuse</p> | <p>Included in definition of abuse</p> | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|------------|--|--|---|-----------------|---|-----------------|----------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| California | Cal. Pen. Code § 368, Causing Physical Pain or Mental Suffering to Elder or Dependent Adults | Elder Adult 65+ Dependent Adult 18+ | <p>Under circumstances likely to produce great bodily harm or death, willfully causes or permits unjustifiable physical pain, or mental suffering resulting in: death, punishable by up to 5 years imprisonment if victim less than 70 and 7 years imprisonment if victim is 70 or more;</p> <p>great bodily injury, punishable by up to 3 years imprisonment if victim less than 70 and 5 years imprisonment if victim is 70 or more;</p> <p>injury, punishable by up to 1 year in jail and/or fine up to \$6,000</p> <p>Under circumstances other than those likely to produce great bodily harm or death, willfully causes or permits injury, endangering, mental suffering (Misdemeanor)</p> | | <p>Loss of: more than \$400, punishable by 2 to 4 years imprisonment and/or fine up to \$1,000;</p> <p>\$400 or less, punishable by up to 1 year in jail and/or fine up to \$1,000</p> | | | False imprisonment punishable by 2 to 4 years imprisonment |
| | Cal. Welfare & Institutions Code § 15656, Penalties for Abuse of Elder or Dependent Adults | Elder Adult 65+ Dependent Adult 18+ | <p>Under circumstances likely to produce great bodily harm or death, willfully causes or permits injury, endangering, or mental suffering punishable by up to 1 year in jail or 2 to 4 years imprisonment</p> <p>Under circumstances other than those likely to produce great bodily harm or death, willfully causes or permits, with knowledge victim is an elder or dependent adult, unjustifiable physical pain, or if has care or custody causes or permits injury, or willfully causes or permits endangering, mental suffering (Misdemeanor)</p> | | <p>Applicable to any caretaker of an elder or dependent adult</p> <p>Loss of: more than \$400, punishable by 2 to 4 years imprisonment and/or fine up to \$1,000;</p> <p>\$400 or less, punishable by up to 1 year in jail and/or fine up to \$1,000</p> | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|------------|--|--|------------------------|-----------------|------------------------|---|--|---|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| California | Cal. Pen. Code § 667.9, Sentence Enhancement for Specified and Repeat Offenses Against Aged, Disabled, or Underage Persons | Aged person 65+ Disabled person 18+ Underage person less than 14 | | | | | | Enhances punishment of enumerated crimes⁷ |
| | Cal. Pen. Code § 502.9, Elder or Dependent Adult Felony Victim as Aggravating Circumstance | Elder Adult 65+ Dependent Adult 18+ | | | | Larceny as aggravating circumstance | | |
| | Cal. Pen. Code § 515, Elder or Dependent Adult Felony Victim as Aggravating Circumstance | | | | | Embezzlement as aggravating circumstance | | |
| | Cal. Pen. Code § 525, Elder or Dependent Adult Felony Victim as Aggravating Circumstance | | | | | Extortion as aggravating circumstance | | |
| | Cal. Pen. Code § 243.25, Battery | | | | | | Punishable by up to 1 year in jail and/or fine up to \$2,000 | |

⁷ Crimes eligible for enhancement include mayhem, kidnapping, robbery, carjacking, rape, sodomy, oral copulation, sexual penetration and burglary in the first degree.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|--|---|---|---|--|--|---|--------------------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Colorado | C.R.S. § 18-6.5-103, Crimes Against At-Risk Adults and At-Risk Juveniles | At-Risk Adult 60+ Person with disability 18+ | Criminal negligence resulting in: death (Class 4); serious bodily injury (Class 5); bodily injury (Class 6) Knowingly neglects or acts in a manner likely to be injurious to the physical welfare (Class 1) | Knowingly neglects or acts in a manner likely to be injurious to the mental welfare (Class 1) | Theft in the presence of the victim, loss of: \$500 or more (Class 3); less than \$500 (Class 5) Theft from the person of the at-risk adult (Class 4) | First Degree (Class 2 or 4) Second Degree (Class 3 or 5) Third Degree (Class 6) | First Degree (Class 2) Second Degree (Class 3) Third Degree (Class 3 or 6) | Robbery (Class 3) |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-------------|---|---|------------------------|-----------------|------------------------|--------------------------------|----------------|--------------|
| | | | Physical Abuse/Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Connecticut | Conn. Gen. Stat. § 53a-59a, Assault of an Elderly, Blind, Disabled, Pregnant, or Mentally Retarded Person in the 1st Degree | Elderly Person 60+ Blind, Physically Disabled, Pregnant, or Mentally Retarded Person 18+ | | | | First Degree (Class B) | | |
| | Conn. Gen. Stat. § 53a-60b, Assault of an Elderly, Blind, Disabled, Pregnant or Mentally Retarded Person in the 2nd Degree | | | | | Second Degree (Class D) | | |
| | Conn. Gen. Stat. § 53a-60c, Assault of an Elderly, Blind, Disabled, Pregnant or Mentally Retarded Person in the 2nd Degree w/ a Firearm | | | | | Second Degree (Class D) | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-------------|--|---|------------------------|-----------------|------------------------|------------------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Connecticut | Conn. Gen. Stat. § 53a-61a, Assault of an Elderly, Blind, Disabled, Pregnant or Mentally Retarded Person in the 3rd Degree | Elderly Person 60+ Blind, Physically Disabled, Pregnant, or Mentally Retarded Person 18+ | | | | Third Degree (Class A) | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | | |
|----------|-------------------------------|--|--|---|--|-----------------|--|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | | Sexual Assault | Other Crimes |
| Delaware | 31 Del. C. § 3913, Violations | Infirm Adult 18+ | Resulting in: death (Class A); bodily harm, permanent disfigurement or permanent disability (Class D); otherwise (Class A) | Abuse defined as including a pattern of emotional abuse | Loss of: \$50,000 or more (Class C); less than \$50,000 to \$10,000 (Class D); less than \$10,000 to \$5,000 (Class E); less than \$5,000 to \$500 (Class G); less than \$500 (Class A) | | | | |
| | 16 Del. C. § 1136, Violations | Long Term Care Facility Residents and Patients | Resulting in: death (Class A); serious physical injury (Class D); otherwise (Class A) Failure to take prompt corrective action by member of board of directors or high managerial agent with knowledge of abuse, mistreatment or neglect (Class A) | | Loss of: \$1,000 or more (Class G); less than \$1,000 (Class A) | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------------------|---------------------------------------|----------------------|------------------------|-----------------|---|-----------------|----------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| District of Columbia | D.C. Code § 22-3601, Enhanced Penalty | Individual 60+ | | | Theft Attempted Theft Extortion Fraud in the First Degree Fraud in the Second Degree | | | Robbery Attempted Robbery |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------|--|---|---|-----------------|--|-----------------|---|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Florida | Fla. Stat. § 825.102, Abuse, Aggravated Abuse, and Neglect of an Elderly Person or Disabled Adult | Elderly Person 60+ Disabled Person 18+ | Aggravated Abuse (Second Degree)⁸ | | | | | |
| | | | Abuse (Third Degree)⁹ | | | | | |
| | | | Neglect (Second Degree)¹⁰ | | | | | |
| | Fla. Stat. § 825.1025, Lewd or Lascivious Offenses Committed Upon Or in the Presence of an Elderly Person or Disabled Person | | | | | | Lewd or lascivious: Battery (Second Degree); Molestation (Third Degree); Exhibition (Third Degree) | |
| | Fla. Stat. § 825.103, Exploitation of an Elderly Person or Disabled Adult ¹¹ | | | | Loss of: \$100,000 or more (First Degree); less than \$100,000 to \$20,000 (Second Degree); less than \$20,000 (Third Degree) | | | |

⁸ Aggravated Abuse is aggravated battery, willful torture, malicious punishment, willful and unlawful caging, intentional infliction of psychological injury or knowing and willful abuse causing great bodily harm, permanent disability, or permanent disfigurement.

⁹ Abuse is intentional infliction of, or an intentional act which could reasonably be expected to result in, or active encouragement of an act that results in or could reasonably be expected to result in physical or psychological injury.

¹⁰ Neglect is defined as a caregiver's failure to provide care, supervision, and services necessary to maintain the victim's physical and mental health or make a reasonable effort to protect victims from abuse, neglect, or exploitation.

¹¹ Exploitation is defined as knowingly by deception or intimidation, obtaining or using, or endeavoring to obtain or use an elderly or disabled person's funds, assets, or property with intent to temporarily or permanently deprive or to benefit a person other than the elderly or disabled person by a person who stands in a position of trust, has business relationship with the elderly or disabled person, or knows or should reasonably know that the elderly or disabled person lacks capacity to consent.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------|---|--|---|-----------------|--|-----------------|----------------|--------------|
| | | | Physical Abuse/Neglect | Emotional Abuse | Financial Exploitation | Assault/Battery | Sexual Assault | Other Crimes |
| Florida | Fla. Stat. § 775.0844, White Collar Crime Victim Protection Act | Elderly Person 60+ | | | Applicable when perpetrator commits aggravated white collar crime, which victimizes 10 or more elderly persons as part of a scheme¹² | | | |
| | Fla. Stat. § 782.04, Murder | Elderly Person 60+ Disabled Adult 18+ | When a person is killed in the perpetration of or the attempt to perpetrate aggravated abuse (First Degree) When a person is killed without any design to effect death (Second Degree) | | | | | |
| | Fla. Stat. § 782.07, Manslaughter | | Causing death by culpable negligence (First Degree) | | | | | |

¹² Punishable by fine of up to \$500,000 or double the value of the pecuniary gain whichever is greater and pay restitution.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------|---|----------------------|------------------------|-----------------|------------------------|--|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Florida | Fla. Stat. § 784.08, Assault or Battery on Persons 65 Years of Age or Older | Person 65+ | | | | Aggravated Battery, punishable by a minimum of 3 years imprisonment and fine up to \$10,000 Aggravated Assault (Second Degree) Battery (Third Degree) Assault (First Degree) | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------|--|--------------------------------------|---|-----------------|------------------------|--|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Georgia | O.C.G.A. §16-5-20, Simple Assault | Person 65 Years of Age or Older, 65+ | | | | (Aggravated Misdemeanor) | | |
| | O.C.G.A. §16-5-21, Aggravated Assault | | | | | Punishable by imprisonment from 3 to 20 years | | |
| | O.C.G.A. §16-5-23, Simple Battery | | | | | (Aggravated Misdemeanor) | | |
| | O.C.G.A. §16-5-23.1, Battery ¹³ | | | | | (Aggravated Misdemeanor) | | |
| | O.C.G.A. §16-5-100, Cruelty to a Person 65 Years of Age or Older | Elder Person 65+ | Guardian or other person supervising the welfare or having immediate care or custody of person 65 or older who deprives person of necessary sustenance which jeopardizes health or well being of person punishable by 1 to 20 years imprisonment | | | | | |
| | | | | | | | | |

¹³ Battery committed by employee, agent, or volunteer at a long-term care facility, personal care homes, or person, who is required to be licensed for home health care and hospices, against person admitted to or receiving such services punishable by 1 to 5 years imprisonment and/or fine of up to \$2000.

| State | Statute | Protected Population | Prohibited Conduct | | | | | | |
|---------|--|--|---|-----------------|---|-----------------|--|----------------|---|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | | Sexual Assault | Other Crimes |
| Georgia | O.C.G.A. §16-8-40, Robbery | Person 65+ | | | | | | | Punishable by 1 to 20 years imprisonment |
| | O.C.G.A. §16-9-6, Punishment for Fiduciary in Violation of Chapter | | | | Fiduciary in breach of obligation, punishable by 1 to 15 years imprisonment and/or fine. | | | | |
| | O.C.G.A. §30-5-8, Criminal Offenses and Penalties | Elder Person 65+ Disabled Adult 18+ | Punishable by imprisonment from 1 to 5 years | | Punishable by imprisonment from 1 to 5 years | | | | |
| | O.C.G.A. 16-8-12, Penalties | Person 65+ | | | Theft by deception of more than \$500, punishable by 5 to 10 years imprisonment | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------|--|--|--|-----------------|---|-----------------|----------------|---|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Hawaii | H.R.S. § 706-660.2, Sentence of Imprisonment for Offenses Against Children, Elder Persons or Handicapped Persons | Elder Person 60+ Handicapped Person 18+ | | | | | | Provides for mandatory minimum sentences for certain offenses¹⁴ |
| | H.R.S. § 444-10.7, Enhanced Penalties When Elderly Persons Are Targeted | Elderly Person 65+ | | | Contractor acting without a license, punishable by up to 1 year imprisonment and/or fine up to \$10,000 | | | |
| | H.R.S. § 709-905, Endangering the Welfare of an Incompetent Person | Incompetent Person 18+ | Acting in a manner likely to be injurious to the physical or mental welfare of a person unable to care for himself (Misdemeanor) | | | | | |

¹⁴ Following offenses punishable by mandatory minimum imprisonment terms: Murder 2nd Degree, 15 years; Class A Felonies, 6 years 8 months; Class B Felonies, 3 years, 4 months; and Class C Felonies, 1 year, 8 months.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-------|--|----------------------|--|-----------------|------------------------|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Idaho | Idaho Code § 18-1505, Abuse, Exploitation or Neglect of a Vulnerable Adult | Vulnerable Adult 18+ | (Misdemeanor) | (Misdemeanor) | (Misdemeanor) | | | |
| | Idaho Code § 18-1505a, Abandoning a Vulnerable Adult | | Desertion or willful forsaking of a vulnerable adult by any person or entity who has assumed a duty of care, punishable by up to 5 years imprisonment and/or fine up to \$5,000 | | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|--|---|--|-----------------|---|-----------------|----------------|--------------------------------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Illinois | 720 ILCS § 5/9-1, First Degree Murder | Person 60 Years of Age or Older 60+ Disabled Person 18+ | | | | | | Capital punishment aggravator |
| | 720 ILCS § 5/12-2, Aggravated Assault | | | | | (Class A) | | |
| | 720 ILCS § 5/12-4, Aggravated Battery | | | | | (Class 3) | | |
| | 720 ILCS § 5/12-21, Criminal Abuse or Neglect of an Elderly or Disabled Person | | Caregiver knowingly performs acts, fails to perform acts, abandons, physically abuses, harasses, intimidates, interferes with liberty of, or willfully deprives, which endangers life, health, or causes to be injured or pre-existing physical or mental condition to deteriorate (Class 3) | | | | | |
| | 720 ILCS § 5/16-1.3, Financial Exploitation of an Elderly Person or Person with a Disability | | | | Loss of: \$100,000 or more (Class 1) ¹⁵ ; less than \$100,000 to \$5,000 (Class 2); less than \$5,000 but more than \$300 (Class 3); \$300 or less (Class 4) | | | |
| | 720 ILCS § 5/18-1, Robbery | | | | | | | (Class 1) |

¹⁵ Also a Class 1 felony if the victim is 70 or older and the loss is \$15,000 or more or the victim is 80 or older and the loss is \$5,000 or more.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|--|--|------------------------|-----------------|--|-----------------|----------------|------------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Illinois | 720 ILCS § 5/16G-20, Aggravated Financial Identity Theft | Person 60 Years of Age or Older 60+ Disabled Person 18+ | | | Loss of: more than \$100,000 (Class 1); \$100,000 or less but more than \$10,000 (Class 2); \$10,000 or less but more than \$300 (Class 3); \$300 or less (Class 4) | | | |
| | 815 ILCS § 515/5, Aggravated Home Repair Fraud | | | | Class 2, 3, or 4 felony depending upon circumstances¹⁶ | | | |
| | 720 ILCS § 5/18-4, Aggravated Vehicular Hijacking | Person 60 Years of Age or Older 60+ Physically Handicapped Person 18+ | | | | | | (Class X) |

¹⁶ If defendant makes material misrepresentation, uses deception, or false pretense and amount of contract(s) is: more than \$1,000 (Class 2); \$1,000 or less (Class 4). If defendant enters into unconscionable contract and amount of contract is: more than \$10,000 (Class 2); \$10,000 or less (Class 3). If defendant conceals his own or name of his business and amount of contract is: more than \$1,000 (Class 3); \$1,000 or less (Class 4). If defendant commits home repair fraud as defined at 815 ILCS § 515/3(b) (Class 3).

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------|---|--|---|-----------------|--|--|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Indiana | Ind. Code § 35-42-2-1, Battery | Mentally or Physically Disabled Person or Endangered Adult 18+ | | | | Resulting in: bodily injury (Class D); serious bodily injury (Class C); death (Class B) | | |
| | Ind. Code § 35-46-1-4, Neglect of a Dependent | All dependents | Resulting in: bodily injury (Class C); serious bodily injury (Class B); cruelly abandons or confines (Class C) Commits neglect (Class D) | | | | | |
| | Ind. Code § 35-46-1-12, Exploitation of a Dependent or Endangered Adult | Dependent or Endangered Adult 18+ | | | Loss of: more than \$10,000 (Class D); \$10,000 or less (Class A) | | | |
| | Ind. Code § 35-46-1-7, Nonsupport of a Parent | Parents Unable to Support Themselves | Failure to provide support (Class A) | | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-------|--|----------------------|---|-----------------|---|-----------------|----------------|---------------------------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Iowa | Iowa Code § 235B.20, Dependent Adult Abuse | Dependent Adult 18+ | Caretaker who: intentionally commits resulting in serious or physical injury (Class C); recklessly commits resulting in serious injury (Class D); recklessly commits resulting in physical injury (Aggravated Misdemeanor) | | Loss of: more than \$100 (Class D); \$100 or less (Simple Misdemeanor) | | | Included in definition of abuse |
| | Iowa Code § 726.8, Wanton Neglect or Nonsupport of a Dependent Adult | | Nonsupport by person with legal responsibility (Class D) Wanton Neglect (Serious Misdemeanor) ¹⁷ | | | | | |

¹⁷ Wanton neglect includes injury to the dependent adult's emotional welfare and is applicable only to a caretaker.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------|---|--|---|-----------------|--|-----------------|----------------|---|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Kansas | K.S.A. § 21-3437, Mistreatment of a Dependent Adult | Dependent Adult 18+ | Infliction of physical injury, unreasonable confinement, or cruel punishment (Level 6) Omitting or depriving treatment, goods or services necessary to maintain physical or mental health (Class A) | | Taking unfair advantage of physical or financial resources (Class A) | | | |
| | K.S.A. § 39-943, Penalties | Adult care home residents | | | | | | Unlicensed operation of adult care home, punishable by up to 6 months in jail or fine up to \$100 |
| | K.S.A. § 21-3425, Mistreatment of a Confined Person | Persons detained or confined by any hospital or nursing home | Intentional abuse, neglect or ill-treatment (Class A) | | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|---|---|--|-----------------|---|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Kentucky | K.R.S. § 209.990, Penalties | Adult 18+ | Caretaker who abuses or neglects: knowingly (Class C); wantonly (Class D); recklessly (Class A) | | Caretaker who exploits: knowingly with loss of more than \$300 (Class C); wantonly or recklessly with loss of more than \$300 (Class D); with loss of \$300 or less (Class A) Any person who knowingly exploits (Class C) | | | |
| | K.R.S. § 508.100, Criminal Abuse in the First Degree | Any physically or mentally helpless person in the actual custody of the defendant | Intentionally abuses or permits causing serious physical injury, torture, cruel confinement or punishment (Class C) | | | | | |
| | K.R.S. § 508.110, Criminal Abuse in the Second Degree | | Wantonly abuses or permits causing serious physical injury, torture, cruel confinement or punishment (Class D) | | | | | |
| | K.R.S. § 508.120, Criminal Abuse in the Third Degree | | Recklessly abuses or permits causing serious physical injury, torture, cruel confinement or punishment (Class A) | | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-----------|--|---|---|-----------------|---|--|--|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Louisiana | La. R.S. § 14:35.2, Simple Battery of the Infirm | Infirm or Disabled Person 18+ Aged Person 60+ | | | | Punishable by up to 30 days imprisonment and/or fine up to \$500 | | |
| | La. R.S. § 93.3, Cruelty to the Infirm | | Criminal mistreatment or neglect causing unjustifiable pain, malnourishment, or suffering, punishable by up to 10 years imprisonment and/or fine up to \$10,000¹⁸ | | | | | |
| | La. R.S. § 14:93.4, Exploitation of the Infirm | | | | Punishable by up to 10 years imprisonment and/or fine up to \$10,000 | | | |
| | La. R.S. § 14:93.5, Sexual Battery of the Infirm | | | | | | Punishable by up to 10 years imprisonment | |

¹⁸ Second or subsequent offenses are punishable by imprisonment from 5 to 10 years and/or fine up to \$10,000.

| State | Statute | Protected Population | Prohibited Conduct | | | | | | |
|-----------|--|--|------------------------|-----------------|---|-----------------|----------------|--------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes | |
| Louisiana | La. R.S. § 14:67.21, Theft of the Assets of an Aged or Disabled Person | Aged Person 60+ Disabled Person 18+ | | | Loss of: \$500 or more, punishable by up to 10 years imprisonment and/or fine up to \$3,000; \$300 or more, punishable by up to two years imprisonment and/or fine up to \$2,000; less than \$300, punishable by up to six months in jail and/or fine up to \$500 ¹⁹ | | | | |

¹⁹ Multiple thefts from the same victim by the same perpetrator(s) are aggregated to determine the amount of loss; an offender previously convicted of a prior violation(s) of this statute is punishable by up to two years imprisonment and/or fine up to \$2000, regardless of the value of the theft.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-------|--|----------------------|---|-----------------|------------------------|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Maine | 17-A M.R.S. § 555, Endangering Welfare of a Dependent Person | Dependent Person 18+ | Knowingly or recklessly endangers the health, safety or mental welfare including a failure to act if the defendant had a legal duty to the dependent person (Class D) | | | | | |
| | 17-A M.R.S. § 552, Nonsupport of Dependents | | Failure to provide support (Class E) | | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | | |
|----------|--|----------------------|---|-----------------|---|-----------------|--|---------------------------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | | Sexual Assault | Other Crimes |
| Maryland | Md. Code art. Crim. Law, § 3-604, Abuse or Neglect of a Vulnerable Adult in the First Degree | Vulnerable Adult 18+ | Caregiver or household member who abuses or neglects resulting in death, serious physical injury, or sexual abuse, punishable by up to 10 years imprisonment and/or fine up to \$10,000 | | | | | Included in definition of abuse | |
| | Caregiver or household member who abuses or neglects, punishable by up to 5 years imprisonment and/or fine up to \$5,000 | | | | | | | | |
| | Md. Code art. Crim. Law, § 8-801, Financial Exploitation of a Vulnerable Adult | | | | Loss of: \$500 or more punishable by up to 15 years imprisonment and/or fine up to \$10,000; less than \$500 punishable by up to 18 months imprisonment and/or fine up to \$500 | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------------|---|---|--|-----------------|--|---|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Massachusetts | Mass. Laws, ch. 265, § 13K, Assault, Abuse, Neglect and Financial Exploitation of an Elderly or Disabled Person | Person with a Disability 18+ Elder 60+ | Caretaker who wantonly or recklessly permits: bodily injury, punishable by up to 5 years imprisonment and/or fine up to \$5,000; serious injury, punishable by up to 10 years imprisonment and/or fine up to \$10,000 | | | Commits causing: bodily injury, punishable by up to 5 years imprisonment and/or fine up to \$1,000; serious bodily injury, punishable by up to 10 years imprisonment and/or fine up to \$5,000 | | |
| | Mass. Laws, ch. 266, § 30, Larceny | | | | Loss of: more than \$250, punishable by up to 10 years imprisonment and/or fine up to \$50,000; \$250 or less, punishable by up to 2 ½ years imprisonment and/or fine up to \$1,000 | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|---|-----------------------|---|-----------------|------------------------|-----------------|----------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Michigan | MCL § 333.21771, Abuse, Mistreatment, or Neglect of Patient Prohibited | Nursing Home Patients | Nursing home personnel shall not physically, mentally, or emotionally abuse, mistreat, or neglect a patient punishable by up to 1 year imprisonment and/or fine from \$1,000 to \$10,000 ²⁰ | | | | | |
| | MCL § 750.145n, Vulnerable Adult Abuse | Vulnerable Adult 18+ | Caregiver who commits: First Degree - punishable by up to 15 years imprisonment and/or fine up to \$10,000; Second Degree - punishable by imprisonment up to 4 years and/or fine up to \$5,000; Third Degree - punishable by up to 2 years imprisonment and/or fine up to \$5,000; Fourth Degree - punishable by up to 1 year imprisonment and/or fine up to \$1,000 | | | | | |
| | MCL § 750.145o, Violation of Act by Operator or Employee of Unlicensed Facility | | | | | | | Violations resulting in death, punishable by up to 5 years imprisonment and/or fine of up to \$75,000 |

²⁰ Penalty located at MCL § 333.21799c, Violations.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|--|----------------------|------------------------|-----------------|---|-----------------|----------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Michigan | MCL § 750.145p, Caregiver or Other Person with Authority Over Vulnerable Adult ²¹ | Vulnerable Adult 18+ | | | Caregiver who violates statute, punishable by imprisonment up to 2 years and/or fine up to \$25,000 | | | Caregiver who retaliates for complaint of abuse or legal action, punishable by imprisonment up to 2 years and/or fine up to \$25,000 |
| | MCL § 750.174a, Person in Relationship of Trust with Vulnerable Adult ²² | | | | Loss of: less than \$200, punishable by up to 93 days imprisonment and/or fine up to \$600; less than \$1,000 to \$200, punishable by up to 1 year imprisonment and/or fine up to \$3,000; less than \$20,000 to \$1,000, punishable by up to 5 years imprisonment and/or fine up to \$60,000; \$20,000 or more, punishable by up to 10 years imprisonment and/or fine up to \$15,000 or 3 times amount of loss | | | |

²¹ A caregiver who has previously been convicted of violation of this statute is punishable by up to 5 years imprisonment and/or fine up to \$75,000.

²² The loss may be aggregated for a 12-month period and if only one victim the loss may be aggregated without any time restriction. This statute also contains a complex recidivist scheme for offenders with prior convictions under this statute.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-----------|--|----------------------|--|-----------------|---|---|--|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Minnesota | Minn. Stat. § 609.224, Assault in the Fifth Degree | Vulnerable Adult 18+ | | | | Caregiver who commits, punishable by up to 1 year imprisonment and/or fine up to \$3000 | | |
| | Minn. Stat. § 609.2325, Criminal Abuse | | Caregiver who acts with intent to produce physical or mental pain or injury resulting in: death, punishable by up to 15 years imprisonment and/or fine up to \$30,000; great bodily harm, punishable by up to 10 years imprisonment and/or fine up to \$20,000; substantial bodily harm, punishable by up to 5 years imprisonment and/or fine up to \$10,000 All other cases punishable by up to 1 year imprisonment and/or fine up to \$3,000 | | | | Caregiver who engages in sexual contact, punishable by up to 1 year imprisonment and/or fine up to \$3,000 | |
| | Minn. Stat. § 609.233, Criminal Neglect | | Caregiver who neglects (Gross Misdemeanor) | | | | | |
| | Minn. Stat. § 609.2335, Financial Exploitation of a Vulnerable Adult | | | | Punishable pursuant to Minn. Stat. § 609.52 Forcing vulnerable adult to perform services, punishable by up to 1 year imprisonment and/or fine up to \$3,000 | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-----------|--|----------------------|------------------------|-----------------|------------------------|-----------------|----------------|---|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Minnesota | Minn. Stat. § 609.72, Disorderly Conduct | Vulnerable Adult 18+ | | | | | | Caregiver who brawls or fights with vulnerable adult, punishable by up to 1 year imprisonment or fine up to \$3,000 |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-------------|--|----------------------|---|-----------------|---|--|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Mississippi | Miss. Code § 43-47-19, Prohibition against Abuse, Neglect, or Exploitation | Vulnerable Adult 18+ | Willfully commits an act, or willfully omits the performance of any duty, which results in physical pain injury, mental anguish, unreasonable confinement, or deprivation of services necessary to maintain the victim's physical or mental health punishable by up to 1 year in jail and/or fine up to \$1,000 | | Loss of: less than \$250, punishable by up to 1 year in jail and/or fine up to \$5,000; \$250 or more, punishable by up to 10 years imprisonment | Willfully inflicts pain or physical injury, punishable by up to 20 years imprisonment | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|--|---|---|-----------------|--|---|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Missouri | R.S. Mo. § 565.180, Elder Abuse in the First Degree | Elderly Person 60+ Disabled Person 18+ | Attempts to kill, knowingly causes, or attempts to cause, serious physical injury (Class A) | | | | | |
| | R.S. Mo. § 565.182, Elder Abuse in the Second Degree | | Knowingly causes, or attempts to cause, physical injury using a deadly weapon or dangerous instrument or recklessly or purposely causes serious physical injury (Class B) | | | | | |
| | R.S. Mo. § 565.184, Elder Abuse in the Third Degree | | Purposely or knowingly or intentionally fails to provide care, goods, or services which causes physical or emotional distress or knowingly acts or fails to act which results in grave risk to the life, body or health of victim, purposely engages in conduct involving more than 1 incident that causes grave emotional distress or places victim in apprehension of immediate physical injury (Class A) | | | Knowingly causes or attempts to cause physical contact the other person will regard as harmful or provocative (Class A) | | |
| | R.S. Mo. § 570.145, Financial Exploitation of the Elderly and Disabled ²³ | | | | Loss of: \$1,000 or more (Class B); less than \$1,000 to \$500 (Class C); less than \$500 to \$50 (Class D); less than \$50 (Class A) | | | |
| | R.S. Mo. § 198.097, Misappropriation of Funds of Elderly Nursing Home Residents | Elderly Person 60+ | | | Misappropriates funds and fails to pay for nursing home care (Class D) | | | |

²³ Statute is applicable only to persons in a position of trust or confidence with the victim.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------|-------------------------------------|---|---|-----------------|--|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Montana | Mont. Code § 52-3-825(2), Penalties | Older Person ²⁴ 60+ Person with developmental disability | Purposely or knowingly abuses, sexually abuses, neglects, or exploits an older person punishable by up to 1 year in county jail and/or fine up to \$1,000 2nd or subsequent offense punishable by up to 10 years imprisonment and / or fine up to \$10,000 | | Loss of: \$1,000 or less, punishable by 1 year in county jail and fine of up to \$1,000; more than \$1,000, punishable up to 10 years imprisonment and fine up to \$50,000²⁵ | | | |

²⁴ The older person must be unable to provide personal protection from the abuse, neglect, or exploitation because of a mental or physical impairment or because of frailties or dependencies brought about by advanced age.

²⁵ Losses in a common scheme can be aggregated.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|---|----------------------|--|-----------------|------------------------|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Nebraska | R.R.S. Neb. § 28-386, Knowing and Intentional Abuse of a Vulnerable Adult | Vulnerable Adult 18+ | Intentionally causing or permitting physical injury, unreasonable confinement, sexual abuse, exploitation, cruel punishment, or denial of essential services (Class IIIA) | | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------|---|----------------------|--|-----------------|---|-----------------|----------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Nevada | NEV. REV. STAT. § 200-5099, Elder Abuse | Older Person 60+ | Any person who abuses (Gross Misdemeanor) Second or subsequent offenses (Category B). Any person assuming responsibility for older person who neglects or permits unjustifiable physical pain or mental suffering (Gross Misdemeanor) | | Loss of: \$5,000 or more (Category B); less than \$5,000 to \$250 (Category B); less than \$250 (Misdemeanor) | | | Isolates older person: (Gross Misdemeanor) 2nd and subsequent offenses (Category B) |
| | NEV. REV. STAT. § 193.167, Penalty Enhancement | Person 60+ | | | | | | Enhances punishment of enumerated crimes²⁶ |
| | NEV. REV. STAT. § 200.50995, Conspiracy to Commit Abuse, Exploitation or Isolation of an Older Person | Older Person 60+ | (Gross Misdemeanor) 2nd and subsequent offenses (Category C) | | | | | |
| | Nev. Rev. Stat. § 207.44, Habitually Fraudulent Felon | | | | Two or more prior fraud convictions (Category B) | | | Isolates older person: (Gross Misdemeanor) 2nd and subsequent offenses (Category C) |

²⁶ Provides that a defendant will be sentenced for a term equal to and in addition to the term of imprisonment prescribed by statute for the enumerated crimes to be served consecutively with the sentence for the underlying crime. The enumerated crimes are: (a) Murder; (b) Attempted murder; (c) Assault; (d) Battery; (e) Kidnapping; (f) Robbery; (g) Sexual assault; (h) Embezzlement of money of a value of \$250 or more; (i) Obtaining money or property of a value of \$250 or more by false pretenses; or (j) Taking money or property from the person of another.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------------|---|---|--|-----------------|------------------------|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| New Hampshire | REV. STAT. § 631:8, Criminal Neglect of Elderly, Disabled, or Impaired Adults | Elderly Adult 60+ Disabled Adult Impaired Adult 18+ | Any caregiver, who by neglect, causes serious bodily injury: purposely (Class A); knowingly or recklessly (Class B) | | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|------------|--|--|---|-----------------|------------------------|----------------------|---|---|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| New Jersey | N.J. Stat. § 2C:12-1, Simple Assault on Institutionalized Elderly Person | Elderly Person 60+ | | | | Fourth Degree | | |
| | N.J. Stat. § 2C:24-7, Endangering welfare of an incompetent person | Person with mental disease or defect unable to care for himself or herself | Knowingly acting in a manner likely to be injurious to the physical, mental or moral welfare (Disorderly Persons Offense) | | | | | |
| | N.J. Stat. § 2C:24-8, Abandonment, Neglect of Elderly Person, Disabled Adult ²⁷ | Elderly Person 60+ Disabled Adult 18+ | Abandoning, or unreasonably neglecting, to do any act necessary for the physical or mental health of the victim (Third Degree) | | | | | |
| | N.J. Stat. § 2C:44-1, Sentencing Criteria | Person 60+ Disabled Person 18+ | | | | | | Court shall consider advanced age of victim in sentencing |
| | N.J. Stat. § 2C: 14-2, Sexual Assault | Persons who are physically helpless or mentally incapacitated | | | | | Sexual penetration (First Degree)²⁸ | |

²⁷ Applicable to persons with duty of care for, or who have assumed continuing responsibility for, the victim.

²⁸ Requires that the perpetrator knew or should have known of the victim's incapacity.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|------------|---|------------------------|---|-----------------|--|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| New Mexico | N.M. Stat. § 30-47-4, Abuse of a Care Facility Resident | Care Facility Resident | Resulting in: no harm (Petty Misdemeanor); physical harm or great psychological harm (Fourth Degree); great physical harm (Third Degree); death (Second Degree) | | | | | |
| | N.M. Stat. § 30-47-5, Neglect of a Care Facility Resident | | Resulting in: no harm (Petty Misdemeanor); physical harm or great psychological harm (Fourth Degree); great physical harm (Third Degree); death (Second Degree) | | | | | |
| | N.M. Stat. § 30-47-6, Exploitation | | | | Loss of: more than \$20,000 (Second Degree); \$20,000 or less but more than \$2,500 (Third Degree); \$2,500 or less but more than \$250 (Fourth Degree); \$250 or less but more than \$100 (Misdemeanor); less than \$100 (Petty Misdemeanor) | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|---|--|---|-----------------|------------------------|-----------------|--|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| New York | NY CLS Penal § 260.34, Endangering the Welfare of a Vulnerable Elderly Person First Degree | Vulnerable Elderly Person ²⁹ 60+ | Caregiver intentionally or recklessly causes serious physical injury (Class D) | | | | | |
| | NY CLS Penal §260.25, Endangering the Welfare of an Incompetent or Physically Disabled Person | Person unable to care for himself or herself because of physical disability, mental disease, or defect | Acting in a manner likely to be injurious to the physical, mental, or moral welfare of a person (Class A) | | | | | |
| | NY CLS Penal § 260.32, Endangering the Welfare of a Vulnerable Elderly Person-Second Degree | Vulnerable Elderly Person 60+ | Caregiver intentionally or recklessly or with criminal negligence causes physical injury (Class E) | | | | Subjects victim to sexual contact without consent (Class E) | |

²⁹ NY CLS Penal § 260.30 Vulnerable elderly persons are those persons who cannot provide for their own health or personal care.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------------|--|----------------------|--|-----------------|---|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| North Carolina | N.C.C Gen. Stat. §14-32.3, Domestic Abuse, Neglect, Financial Exploitation of Elder Adults ³⁰ | Elder Adult 60+ | Abuse³¹ causing: serious injury (Class F); injury (Class H) Neglect³² causing: serious injury (Class G); injury (Class I) | | Loss of: more than \$1,000 (Class H); \$1,000 or less (Class 1) | | | |

³⁰ Statute is applicable to caretaker(s) of a disabled or elder adult(s) who is residing in a domestic setting.

³¹ Abuse occurs if a caretaker with malice aforethought, knowingly and willfully: (i) assaults, (ii) fails to provide medical or hygienic care, or (iii) confines and restrains the disabled or elder adult in a place or under a condition that is cruel or unsafe, and as a result of the act or failure to act the disabled or elder adult suffers mental or physical injury.

³² Neglect occurs if a caretaker wantonly, recklessly, or with gross carelessness: (i) fails to provide medical or hygienic care, or (ii) confines or restrains the disabled or elder adult in a place or under a condition that is unsafe, and as a result of the act or failure to act the disabled or elder adult suffers mental or physical injury.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------------|--|--|--|-----------------|---|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| North Dakota | N.D.Cent. Code § 12.1-31-07, Endangering a Vulnerable Adult - penalty | Vulnerable Elderly Adult ³³ 60+ | Caregiver knowingly acts, or fails to act, causing victim's life to be endangered, health to be injured, or preexisting physical or mental condition to deteriorate (Class B) | | | | | |
| | N.D. Cent. Code § 12.1-31-07.1, Exploitation of a Vulnerable Adult ³⁴ | Vulnerable Elderly Adult 60+ | | | Loss of: more than \$100,000 (Class A); \$100,000 or less but more than \$20,000 (Class B); \$20,000 or less but more than \$1,000 (Class C) | | | |

³³ "Vulnerable elderly adult" means a person 60 years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental, or emotional dysfunction to the extent that the person is incapable of adequately providing for the person's own health or personal care.

³⁴ Statute is applicable to persons who stand in a position of trust and confidence or have a business relationship with the victim or knows that the victim lacks the capacity to consent.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-------|--|----------------------|------------------------|-----------------|---|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Ohio | O.R.C. § 2913.02, Theft - Penalty Enhancement for Elderly Person Victim | Elderly Person 65+ | | | Loss of: \$100,000 or more (First Degree); less than \$100,000 to \$25,000 (Second Degree); less than \$25,000 to \$5,000 (Third degree); less than \$5,000 to \$500 (Fourth degree); less than \$500 (Fifth Degree) | | | |
| | O.R.C. § 2913.21, Misuse of Credit Cards - Penalty Enhancement for Elderly Person Victim | | | | Same penalties as provided above at ORC § 2913.02, Theft | | | |
| | O.R.C. § 2913.31, Forgery - Penalty Enhancement for Elderly Person Victim | | | | Same penalties as provided above at ORC § 2913.02, Theft | | | |
| | O.R.C. § 2913.43, Securing Writings by Deception - Penalty Enhancement for Elderly Person Victim | | | | Same penalties as provided above at ORC § 2913.02, Theft | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|---|--|--|-----------------|--|-----------------|--|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Oklahoma | 21 Okl. St. § 843.1, Caretakers-- Abuse, Neglect, Sexual Abuse or Exploitation of Charge | Any person under a caretaker's care ³⁵ | Punishable by up to 10 years imprisonment and by a fine by up to \$10,000 | | Punishable by up to 10 years imprisonment and fine up to \$10,000 | | Punishable by up to 15 years imprisonment and/or fine up to \$10,000, or both | |
| | 22 Okl. St. § 91a-16, Elderly and Incapacitated Victim's Protection Program ³⁶ | Elderly Person 62+ Incapacitated person ³⁷ | | | | | | Enhances punishments and lists special conditions for enumerated crimes |
| | 22 Okl. St. § 991a-20, Second and Subsequent Offenses | Elderly Person 62+ | | | | | | Enhances punishment of defendant if victim is member of protected population³⁸ |

³⁵ The statute provides "...[a]ny person entrusted to the care of such caretaker or other person in a nursing facility or other setting...."

³⁶ Provides for sentence enhancement and special conditions for enumerated crimes committed against protected population as follows: Assault, Battery, Aggravated Assault and Battery, Assault & Battery with a Dangerous Weapon, Burglary, Grand Larceny, Extortion, Obtaining Signature by Extortion, Fraud, Embezzlement.

³⁷ "Incapacitated person" means any person who is disabled by reason of mental or physical illness or disability to such extent the person lacks the ability to effectively protect self or property.

³⁸ Persons convicted of any offense against an elderly or incapacitated person, are punishable as follows: (1) if an offender would be punishable by imprisonment for more than 5 years, such person is punishable by imprisonment in the state penitentiary for a term not less than 10 years; (2) if offense is such that upon a first conviction the offender would be punishable by imprisonment 5 years or less, then the person convicted of such subsequent offense is punishable by imprisonment in the state penitentiary for a term not exceeding 15 years; or (3) if twice convicted of felony offenses against an elderly or incapacitated person, and commits a third felony offense against an elderly or incapacitated person within 10 years of the date following the completion of the execution of the first sentence, then imprisoned for not less than 20 years.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------|---|--|--|-----------------|--|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Oregon | O.R.S. § 163.200, Criminal Mistreatment-Second Degree ³⁹ | Elderly Person 65+ Dependent Person 18+ | With criminal negligence withholding necessary and adequate food, physical care or medical attention from the victim (Class A) | | | | | |
| | O.R.S. § 163.205, Criminal Mistreatment-First Degree ⁴⁰ | | Intentionally or knowingly causes physical injury, deserts, or leaves person unattended endangering his or her health or welfare (Class C) | | Hides or appropriates victim's funds or property or takes charge of victim for fraudulent purposes (Class C) | Physical injury | | |

³⁹ Applicable to persons who have a legal duty to provide care for the victim, have assumed the permanent or temporary care, custody or responsibility for the supervision of the victim.

⁴⁰ Applicable to persons who have a legal duty to provide care or having assumed the permanent or temporary care, custody, or responsibility for supervision.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------------|---|----------------------|------------------------|-----------------|---|-----------------|----------------|---|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Pennsylvania | 42 Pa.C.S. § 9717, Mandatory Sentences for Offenses Against Elderly Persons | Elderly Person 60+ | | | | | | Provides for mandatory minimum sentences for enumerated offenses.⁴¹ |
| | 18 Pa.C.S. § 4120, Identity Theft – Enhanced Penalty | | | | Level of offense enhanced by one degree | | | |
| | 18 Pa. C.S. § 4107, Deceptive or Fraudulent Business Practices | | | | Level of offense enhanced by one degree | | | |

⁴¹ Mandatory minimum sentences for the following crimes when victim is member of protected population: aggravated assault--not less than 2 years; rape--not less than 5 years; involuntary deviate sexual intercourse --not less than 5 years; theft by deception --not less than 12 months, but the imposition of the minimum sentence shall be discretionary with the court where the court finds justifiable cause and that finding is written in the opinion.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------------|---|----------------------|------------------------|-----------------|------------------------|---|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Rhode Island | R.I. Gen. Laws § 11-5-10, Assault and Battery upon a Person 60 or Older Causing Bodily Injury | Person 60+ | | | | Punishable by up to 5 years imprisonment and/or fine up to \$1,000 | | |
| | R.I. Gen. Laws § 11-5-10.1, Assault and Battery upon a Person 60 or Older Causing Serious Bodily Injury | | | | | Punishable by 3 to 20 years imprisonment and/or fine up to \$10,000 ⁴² | | |
| | R.I. Gen. Laws § 11-5-10.3, Assault on Persons 60 or Older by Caretaker Causing Bodily Injury ⁴³ | | | | | Punishable by up to 5 years imprisonment and/or fine up to \$2,500 ⁴⁴ | | |

⁴² Also includes mandatory restitution, performance of up to 500 hours of public community work, and attendance of violence counseling and/or substance abuse counseling, or any combination of these.

⁴³ Applicable only to a person responsible for care and treatment of the victim.

⁴⁴ If health care facility either condoned or attempted to conceal the act, the health care facility shall be fined up to \$5,000.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------------|---|----------------------|------------------------|-----------------|------------------------|---|----------------|---|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Rhode Island | R.I. Gen. Laws § 11-5-10.4, Assault on Persons 60 or Older by Caretaker Causing Serious Bodily Injury ⁴⁵ | Person 60+ | | | | Punishable by 2 to 20 years imprisonment and/or fine up to \$10,000 ⁴⁶ | | |
| | R.I. Gen. Laws § 11-8-2.3, Breaking and Entering of Dwelling House of Persons 60 or Older When Resident on Premises | | | | | | | Punishable by 4 to 20 years imprisonment and/or fine up to \$15,000 for 1 st conviction; 6 to 20 years and/or fine up to \$20,000 for 2 nd and subsequent convictions ⁴⁷ |
| | R.I. Gen. Laws § 11-39-1, Penalty for Robbery | Elderly Person 60+ | | | | | | Punishable by imprisonment for not less than 10 years and fine up to \$15,000 |

⁴⁵ Applicable only to a person responsible for care and treatment of the victim.

⁴⁶ Also includes mandatory restitution, performance of up to 500 hours of public community restitution work, and attendance of violence counseling and/or substance abuse counseling, or any combination of these. If health care facility either condoned the act or attempted to conceal it, the health care facility shall be fined up to \$15,000.

⁴⁷ Also includes mandatory restitution and performance of up to 500 hours of public community restitution work, or any combination of the two.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------------|---|----------------------|------------------------|-----------------|--|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Rhode Island | R.I. Gen. Laws § 11-41-5, Penalties for Larceny | Person 65+ | | | Loss of: more than \$500, punishable by 2 to 15 years imprisonment and fine up to \$5,000; \$500 or less, punishable by 1 to 5 years imprisonment and fine up to \$3,000 | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------------|---|----------------------|--|-------------------------------------|---|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| South Carolina | S.C. Code § 43-35-85, Abuse, Neglect, or Exploitation of a Vulnerable Adult | Vulnerable Adult 18+ | Resulting in: death, punishable by up to 30 years imprisonment; great bodily injury, punishable by up to 15 years imprisonment All other cases punishable by up to 5 years imprisonment | Abuse includes psycho-logical abuse | Punishable by up to 5 years imprisonment, fine up to \$5,000, and restitution | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|--------------|---|---|------------------------|-----------------|--|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| South Dakota | S.D. Codified Laws § 22-46-2, Abuse & Neglect of a Disabled Adult | Disabled Adult 18+ | (Class 6) | | | | | |
| | S.D. Codified Laws § 22-46-3, Theft by Exploitation ⁴⁸ | | | | Punishable pursuant to the provisions of § 22-30A-17 | | | |
| | S.D. Codified Laws § 22-30A-17; Grand Theft and Petty Theft | Resident or patient of nursing facility, hospital, or assisted living | | | Loss of: \$500 or more (Class 4); less than \$500 (Class 1) | | | |

⁴⁸ Any person who, assumed the duty by written contract, by receipt of payment for care, or by order of a court to provide for the support of a disabled adult being entrusted with the property of that disabled adult, with intent to defraud, appropriates such property to a use or purpose not in the due and lawful execution of his trust, is guilty of theft by exploitation.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-----------|---|--|--|---|--|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Tennessee | Tenn. Code § 71-6-117, Willful Abuse, Neglect or Exploitation Prohibited -- Penalty | Adult ⁴⁹ 18+ Advanced Age Adult 60+ | Willful abuse or neglect (Class A) | Abuse includes infliction of mental anguish (Class A) | Improper use of care-taker funds (Class A) | | | |
| | Tenn. Code Ann. § 71-6-119, Willful Physical Abuse or Gross Negligence -- Penalties | | Willful physical abuse or neglect resulting in serious mental or physical harm⁵⁰ | | | | | |

⁴⁹ A person “who because of mental or physical dysfunctioning or advanced age is unable to manage such person’s own resources, carry out the daily activities of living or protect such person from neglect hazardous or abusive situations without assistance from others and who has no available, willing and responsible able person for assistance....”

⁵⁰ Punished as aggravated assault.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-------|--|------------------------|--|-----------------|------------------------|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Texas | Tex. Penal Code § 22.01, Assault | Elderly Individual 65+ | | | | (Class A) | | |
| | Tex. Penal Code § 22.04, Injury to a Child, Elderly Individual, or Disabled Individual ⁵¹ | | Committed causing serious bodily injury or serious mental impairment: intentionally or knowingly (First Degree); recklessly (Second Degree) | | | | | |
| | | | Committed causing bodily injury: intentionally or knowingly (Third Degree); recklessly (State Jail Felony); | | | | | |
| | | | Committed with criminal negligence (State Jail Felony) | | | | | |

⁵¹ Also includes an omission to act if: (1) the defendant has a legal or statutory duty to act; or (2) the defendant has assumed care, custody, or control of a child, elderly individual, or disabled individual.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-------|---|---|--|-----------------|---|-----------------|--|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Utah | Utah Code § 76-5-111, Abuse, Neglect, or Exploitation of a Vulnerable Adult | Elder Adult 65+ Vulnerable Adult 18+ | <p>Circumstances where likely to produce death or serious physical injury if done: Intentionally or knowingly (Second Degree); recklessly (Third Degree); with criminal negligence (Class A)</p> <p>Circumstances other than those likely to produce death or serious physical injury if done: intentionally or knowingly (Class A); recklessly (Class B); with criminal negligence (Class C)</p> | | <p>Committed intentionally and knowingly with loss of: \$5,000 or more (Second Degree); less than \$5,000 (Third Degree)</p> <p>Committed recklessly (Class A)</p> <p>Committed with criminal negligence (Class B)</p> | | Included in definition of exploitation | |
| | Utah Code § 76-5-112.5, Endangerment of Child or Elder Adult ⁵² | | | | | | | Resulting in: death (First Degree); bodily injury (Second Degree); otherwise (Third Degree) |

⁵² Knowing or intentionally causes or permits elder adult to be at risk of suffering bodily injury, substantial bodily injury, or serious bodily injury from exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------|---|---|---|--|---|-----------------|--|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Vermont | 33 V.S.A. § 6913, Penalties; Deferred Sentencing; Criminal Sexual Activity by Caregiver; Abuse; Neglect; Exploitation | Elderly Adult 60+ Disabled Adult 18+ | <p>Abuse, punishable by up to 18 months imprisonment and fine up to \$10,000</p> <p>Caregiver who purposely, knowingly or recklessly neglects, punishable by up to 18 months imprisonment and fine up to \$10,000</p> | Abuse includes unnecessary suffering or pattern of malicious behavior resulting in impaired emotional well-being | Willful exploitation, punishable by up to 18 months imprisonment and fine up to \$10,000 | | Caregiver being paid financial compensation who engages in any sexual activity punishable by up to 2 years imprisonment and fine up to \$10,000 | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|----------|--|-------------------------|---|-----------------|------------------------|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Virginia | Va. Code § 18.2-369, Abuse and Neglect of Incapacitated Adults | Incapacitated Adult 18+ | Resulting in: serious bodily injury (Class 6); otherwise (Class 1) 2nd or subsequent offense (Class 6) | | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|------------|---|--------------------------------|------------------------|-----------------|------------------------|-----------------|----------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Washington | Rev. Code Wash. § 9A.42.020, Criminal Mistreatment in the First Degree | Dependent person ⁵³ | | | | | | Recklessly causes great bodily harm by withholding any of basic necessities of life (Class B) |
| | Rev. Code Wash. § 9A.42.030, Criminal Mistreatment in the Second Degree | | | | | | | Recklessly, (a) creates an imminent and substantial risk of death or great bodily harm, or (b) causes substantial bodily harm by withholding any of the basic necessities of life (Class C) |

⁵³ "Dependent person" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. A resident of a nursing home, as defined in RCW 18.51.010, a resident of an adult family home, as defined in RCW 70.128.010, or a frail elder or vulnerable adult, as defined in Rev. Code Wash. 74.34.020(8), is presumed to be a dependent person for purposes of this chapter.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|------------|---|----------------------|------------------------|-----------------|------------------------|-----------------|----------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Washington | Rev. Code Wash. § 9A.42.035, Criminal Mistreatment in the Third Degree | Dependent Person | | | | | | With criminal negligence, creates an imminent and substantial risk of substantial bodily harm, or causes substantial bodily harm (Gross Misdemeanor) |
| | Rev. Code Wash. § 9A.42.037, Criminal Mistreatment in the Fourth Degree | | | | | | | With criminal negligence, creates an imminent and substantial risk of bodily injury, or causes bodily injury or extreme emotional distress (Misdemeanor) |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|------------|---|-------------------------------------|--|-----------------|------------------------|-----------------|---|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Washington | Rev. Code Wash. § 9A.44.050, Rape in the Second Degree ⁵⁴ | Frail Elder or Vulnerable Adult 60+ | | | | | (Class A) | |
| | Rev. Code Wash. § 9A.44.100, Indecent Liberties ⁵⁵ | | | | | | By forcible compulsion (Class A); otherwise (Class B) | |
| | Rev. Code Wash § 9A.42.060, Abandonment of a Dependent Person in the First Degree | Dependent Person | Recklessly abandons with great bodily harm (Class B) | | | | | |
| | Rev. Code Wash. § 9A.42.070, Abandonment of a Dependent Person in the Second Degree | | Recklessly abandons with substantial bodily harm (Class C) | | | | | |
| | Rev. Code Wash. § 9A.42.080, Abandonment of a Dependent Person in the Third Degree | | Recklessly abandons with bodily harm (Gross Misdemeanor) | | | | | |
| | | | | | | | | |

⁵⁴ Perpetrator has supervisory authority over victim in a facility where victim is the resident or has a significant unmarried relationship with the victim.

⁵⁵ Perpetrator has supervisory authority over victim in a facility where victim is the resident or has a significant unmarried relationship with the victim.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|------------|---|----------------------|------------------------|-----------------|------------------------|-----------------|----------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Washington | Rev. Code Wash. § 9A.42.100, Endangerment with a Controlled Substance | Dependent Adult | | | | | | Exposes victim to methamphetamine or its enumerated precursors (Class B) |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------------|--|-------------------------|---|-----------------|------------------------|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| West Virginia | W. Va. Code § 61-2-29, Abuse or Neglect of Incapacitated Adult | Incapacitated Adult 18+ | <p>Caregiver who neglects or who knowingly permits another person to neglect, punishable by 90 to 365 days imprisonment and/or fine from \$1,500 to \$500</p> <p>Caregiver who intentionally abuses or neglects, punishable by 2 to 10 years imprisonment or 1 year in the county jail, and/or fine from \$500 to \$1,500</p> | | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-----------|---|--------------------------------|---|-----------------|------------------------|-----------------|----------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Wisconsin | Wis. Stat. § 939.647, Increased Penalty for Violent Felony Committed against Elder Person | Elder Person 62+ | | | | | | Sentence may be enhanced by up to 5 years imprisonment for violent felonies |
| | Wis. Stat. § 940.19, Battery, Substantial Battery, Aggravated Battery | | | | | (Class D) | | |
| | Wis. Stat. § 940.285, Abuse of Vulnerable Adults | Vulnerable Adult or Person 18+ | Any person who abuses or neglects: causing death (Class B); causing great bodily harm (Class C); intentionally under circumstances that are likely to cause great bodily harm (Class D); intentionally causing bodily harm or recklessly or negligently under circumstances that are likely to cause great bodily harm (Class E) Recklessly or negligently under circumstances that cause or are likely to cause bodily harm (Class A) Under circumstances not causing and not likely to cause bodily harm (Class B) | | | | | |

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|-----------|---|--|--|-----------------|------------------------|-----------------|----------------|--------------|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Wisconsin | Wis. Stat. § 940.295, Abuse and Neglect of Patients and Residents | Patients, Residents of enumerated facilities ⁵⁶ | Any person who employed with any facility program abuses or neglects: causing death (Class B); causing great bodily harm (Class C); intentionally under circumstances that are likely to cause great bodily harm (Class D); intentionally causing bodily harm or recklessly or negligently under circumstances that are likely to cause great bodily harm (Class E) Recklessly or negligently under circumstances that cause or are likely to cause bodily harm (Class A) Under circumstances not causing and not likely to cause bodily harm (Class B) | | | | | |
| | Wis. Stat. § 943.20 Theft | Vulnerable Adult 18+ Patient or Resident of facility | | | (Class H) | | | |

⁵⁶ Patients and residents of any adult day care center; adult family home; community-based residential facility; foster home; group home; home health agency; hospice; inpatient health care facility; certain defined programs; Wisconsin School for the Deaf; Wisconsin School for the Blind and Visually Impaired; state treatment facility; treatment facility; child welfare agency; and any other health facility care-related facility or home, whether public or private.

| State | Statute | Protected Population | Prohibited Conduct | | | | | |
|---------|---|----------------------|---|-----------------|---|-----------------|----------------|--|
| | | | Physical Abuse\Neglect | Emotional Abuse | Financial Exploitation | Assault\Battery | Sexual Assault | Other Crimes |
| Wyoming | Wyo. Stat. § 6-2-507, Abuse, Neglect or Exploitation of a Vulnerable Adult- Penalties | Vulnerable Adult 18+ | <p>Reckless abuse, neglect, exploitation or abandonment, punishable by up to 1 year in jail and/or fine up to \$1,000</p> <p>Intentional abuse, neglect, or abandonment, punishable by up to 10 years imprisonment and/or fine up to \$10,000</p> | | Punishable by up to 10 years imprisonment and/or fine up to \$10,000 | | | <p>National Criminal Justice Reference Service (NCJRS)</p> <p>Box 6000</p> <p>Rockville, MD 20849-6000</p> |

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