

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2345**

Introduced by

Senators Schneider, Armstrong

Representatives Guggisberg, Larson, Maragos

1 A BILL for an Act to amend and reenact section 12.1-31-07.1 of the North Dakota Century
2 Code, relating to the penalty for the exploitation of a disabled adult or vulnerable elderly adult.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12.1-31-07.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-31-07.1. Exploitation of a vulnerable adult - Penalty.**

7 1. A person is guilty of exploitation of a disabled adult or vulnerable elderly adult if:

8 a. The person stands in a position of trust and confidence or has a business
9 relationship with the disabled adult or vulnerable elderly adult and knowingly, by
10 deception or intimidation, obtains or uses, or attempts to obtain or use, the
11 disabled adult's or vulnerable elderly adult's funds, assets, or property with the
12 intent to temporarily or permanently deprive the disabled adult or vulnerable
13 elderly adult of the use, benefit, or possession of the property, for the benefit of
14 someone other than the disabled adult or vulnerable elderly adult; or

15 b. The person knows that the disabled adult or vulnerable elderly adult lacks the
16 capacity to consent, and obtains or uses, or attempts to obtain or use, or assists
17 another in obtaining or using or attempting to obtain or use, the disabled adult's
18 or vulnerable elderly adult's funds, assets, or property with the intent to
19 temporarily or permanently deprive the disabled adult or vulnerable elderly adult
20 of the use, benefit, or possession of the property for the benefit of someone other
21 than the disabled adult or vulnerable elderly adult.

22 2. Exploitation of a disabled adult or vulnerable elderly adult is:

23 a. A class A felony if the value of the exploited funds, assets, or property exceeds
24 ~~one hundred~~fifty thousand dollars.

- 1 b. A class B felony if the value of the exploited funds, assets, or property exceeds
2 ~~twenty~~ten thousand dollars but does not exceed ~~one hundred~~fifty thousand
3 dollars.
- 4 c. A class C felony if the value of the exploited funds, assets, or property is in
5 excess of one thousand dollars but does not exceed ~~twenty~~ten thousand dollars.
- 6 d. A class A misdemeanor if the value of the exploited funds, assets, or property
7 does not exceed one thousand dollars.
- 8 3. It is not a defense to a prosecution of a violation of this section that the accused did
9 not know the age of the victim.
- 10 4. This section does not impose criminal liability on a person who has:
- 11 a. Managed the disabled adult's or vulnerable elderly adult's funds, assets, or
12 property in a manner that clearly gives primacy to the needs and welfare of that
13 person or is consistent with any explicit written authorization; or
- 14 b. Made a good faith effort to assist in the management of the disabled adult's or
15 vulnerable elderly adult's funds, assets, or property.