

2025 Regular Session

HOUSE BILL NO. 363

BY REPRESENTATIVES COX, BACALA, HORTON, LAFLEUR, AND MOORE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides relative to cruelty and exploitation of the elderly

1 AN ACT

2 To amend and reenact R.S. 14:93.3(A) through (D) and (E)(1) and 93.4, relative to
3 exploitation of the elderly; to provide for definitions; to provide for a change in
4 terminology; to provide for penalties; to provide for restitution; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:93.3(A) through (D) and (E)(1) and 93.4 are hereby amended and
8 reenacted to read as follows:

9 §93.3. Cruelty to elderly and persons with infirmities

10 A. Cruelty to persons with infirmities is the intentional or criminally
11 negligent mistreatment or neglect by any person, including a caregiver, whereby
12 unjustifiable pain, malnourishment, or suffering is caused to a person with an
13 infirmity, an adult with a disability, or a person who is ~~aged~~ elderly, including but
14 not limited to a person who is a resident of a nursing home, facility for persons with
15 intellectual disabilities, mental health facility, hospital, or other residential facility.

16 B. "Caregiver" is defined as any person or persons who temporarily or
17 permanently is responsible for the care of a person with an infirmity; an adult with
18 a physical or mental disability; or a person who is ~~aged~~ elderly, whether such care
19 is voluntarily assumed or is assigned. Caregiver includes but is not limited to adult
20 children, parents, relatives, neighbors, daycare institutions and facilities, adult

1 (2) The financial exploitation of elderly persons or persons with an infirmity
2 as defined in R.S. 6:1372.

3 (3) The use of the power of attorney or guardianship of a person with an
4 infirmity, a person who is ~~aged~~ elderly, or an adult with a disability for one's own
5 profit or advantage by means of fraudulent conduct, practices, or representations.

6 B.(1) Whoever commits the crime of exploitation of elderly persons or
7 persons with infirmities shall be fined not more than ten thousand dollars or
8 imprisoned, with or without hard labor, for not more than ten years, or both.

9 (2) Upon a second or subsequent conviction of a violation of the provisions
10 of this Section, the offender shall be imprisoned, with or without hard labor, for not
11 less than one year nor more than ten years and may, in addition, be required to pay
12 a fine of not more than twenty thousand dollars.

13 C. Whoever is convicted, or who enters a plea agreement for exploitation of
14 an elderly person or persons with infirmities shall be prohibited from having access
15 to the assets or property of the victim or of any other person with a disability or
16 person who is ~~aged~~ elderly. The offender shall be prohibited from being appointed
17 as a power of attorney or guardian for the victim or any other person with a disability
18 or person who is ~~aged~~ elderly. The provisions of this Subsection shall not be
19 construed to prohibit the offender from inheriting from the victim with an infirmity
20 or from a victim who is elderly.

21 D. In addition to the penalties provided in Subsections B and C of this
22 Section, a person convicted under the provisions of this Section shall be ordered to
23 make full restitution to the victim and any other person who has suffered a financial
24 loss as a result of the offense in accordance with Code of Criminal Procedure Article
25 883.2.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 363 Engrossed

2025 Regular Session

Cox

Abstract: Changes the term "aged" to "elderly" and adds elderly persons as victims to the crimes of cruelty to persons with infirmities and exploitation of persons with infirmities.

Present law provides for the crimes of cruelty to persons with infirmities and exploitation of persons with infirmities. Present law includes persons who are aged.

Proposed law changes the term "aged" to "elderly".

Proposed law adds financial exploitation to the crime of exploitation of elderly persons or persons with infirmities.

Proposed law provides penalties for a second conviction of exploitation of elderly persons or persons with infirmities.

Proposed law provides that a person convicted of exploitation of elderly persons or persons with infirmities shall make full restitution to the victim and anyone else who suffered a financial loss.

(Amends R.S. 14:93.3(A)-(D) and (E)(1) and 93.4)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make a technical change.