2025 Regular Session

HOUSE BILL NO. 363

BY REPRESENTATIVE COX

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

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	congregate living facilities, and nursing homes which or who have voluntarily
2	assumed or been assigned the care of a person who is aged elderly, a person with an
3	infirmity, or an adult with a disability; or have assumed voluntary residence with a
4	person who is aged elderly, a person with an infirmity, or an adult with a disability.
5	C. For the purposes of this Section, and Section 93.4, the term "elderly"
6	means a person who is aged is any individual sixty years of age or older.
7	D. The providing of treatment by a caregiver in accordance with a
8	well-recognized spiritual method of healing, in lieu of medical treatment, shall not
9	for that reason alone be considered the intentional or criminally negligent
10	mistreatment or neglect of a person with an infirmity, an adult with a disability, or
11	a person who is aged elderly. The provisions of this Subsection shall be an
12	affirmative defense to a prosecution under this Section.
13	E.(1) Whoever commits the crime of cruelty to any person with an infirmity,
14	adult with a disability, or person who is aged <u>elderly</u> shall be fined not more than ten
15	thousand dollars or imprisoned with or without hard labor for not more than ten
16	years, or both. At least one year of the sentence imposed shall be served without
17	benefit of parole, probation, or suspension of sentence when the act of cruelty to
18	persons with infirmities was intentional and malicious.
19	* * *
20	§93.4. Exploitation of <u>elderly persons or</u> persons with infirmities
21	A. Exploitation of <u>elderly persons or</u> persons with infirmities is:
22	(1) The intentional expenditure, diminution, or use by any person, including
23	a caregiver, of the property or assets of a person with an infirmity, an adult with a
24	disability, or a person who is aged elderly, including but not limited to a resident of
25	a nursing home, facility for persons with intellectual disabilities, mental health
26	facility, hospital, or other residential facility without the express voluntary consent
27	of the resident or the consent of a legally authorized representative of an incompetent
28	resident, or by means of fraudulent conduct, practices, or representations.

1	(2) <u>The financial exploitation of elderly persons or persons with an infirmity</u>
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 <u>elderly persons or</u>
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	<u>883.2.</u>

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 Original	2025 Regular Session	Cox
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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.

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

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

<u>Proposed law</u> adds financial exploitation to the crime of exploitation of elderly persons or persons with infirmities.

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

<u>Proposed law</u> 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. 93.3(A)-(D) and (E)(1) and 93.4)