



NEW YORK STATE SENATOR

Michael F. Nozzolio

## Senator Mike Nozzolio Announces Legislation to Help Fight Elder Abuse Approved by Senate Codes Committee

MICHAEL F. NOZZOLIO May 14, 2014

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Continuing his fight to combat the rising trend of elder abuse, State Senator Michael Nozzolio, Chairman of Senate Codes Committee, announced today that a package of legislation to protect elderly individuals from becoming victims of abuse took an important step towards becoming State Law. Five measures aimed at stopping the wide array of abuses that impact New York's senior residents were approved by the Senate Codes Committee. Two of these measures were introduced by Senator Nozzolio.

"Nothing is more important than ensuring the safety and well-being of our most vulnerable citizens. I strongly believe that we must do everything possible to ensure that our seniors are treated with all the dignity and respect they deserve," said Senator Nozzolio. "This important legislation will help to combat the growing problem of elder abuse, while making sure crime victims get the help they need physically, emotionally and financially."

It is estimated that only one in five instances of elder abuse are ever reported. Just like any other form of domestic violence, elder abuse occurs across every demographic and can take many forms, from physical abuse to financial exploitation. These legislative measures would prevent deceptive financial transactions from taking place and amend existing law to stiffen penalties to deter criminal acts from occurring in the first place.

Unfortunately, many seniors fall prey to crimes of financial abuse, including theft, concealment of funds or the theft of their personal property, such as jewelry and

other valuables. While they may have adequate financial resources, they can be victimized by others whose only objective is to gain access to their personal information.

Senator Nozzolio's legislation (S.7187) would clarify present law and help prevent dishonest contractors who persuade their victims to pay in full for services and then abscond with the victim's money. In addition, Senator Nozzolio introduced legislation (S.7188) to support elderly crime victims who must testify in court by allowing a caregiver or family member to accompany them to court.

### **Legislation Approved by Senate Codes Committee Combat Elder Abuse**

**S.2951** Expands the definition of "caregiver" under the penal law to include a person who voluntarily, or otherwise by operation of law (such as an appointed guardian or power of attorney), assumes responsibility of an elderly person so that they would be tried under the "endangering the welfare of a vulnerable elderly person" law.

**S.7177** Seeks to establish that an alleged abuser may not use the defense of obtained consent to take, withhold, or obtain property, where such consent was obtained from a person whom the accused knew or had reason to know was mentally disabled.

**S.7187** (Senator Nozzolio) Amends the penal law to explicitly state that in a prosecution for larceny by false promise, partial performance does not, by itself, prevent a reasonable jury from making such finding from all the facts and circumstances.

**S.7188** (Senator Nozzolio) Would allow a caregiver to accompany a vulnerable elderly person who is testifying in front of a grand jury. The caregiver may only fulfill their function with the consent of the prosecutor.

**S.7178** Allows the prosecution and defense attorneys to preserve the testimony of witnesses who are age 75 or older.

"It has been a pleasure for me to help lead the fight in combating and preventing elder abuse. Our community's seniors have made - and continue to make - enduring contributions to our Nation, our State, and our local communities. That is why acts of violence and abuse against the elderly have a devastating impact on our entire

community. While New York has made great advances over the years in protecting our senior citizens, these legislative measures will help further protect the safety and security of our seniors,” concluded Senator Nozzolio.