

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

congregate living facilities, and nursing homes which or who have voluntarily assumed or been assigned the care of a person who is ~~aged~~ elderly, a person with an infirmity, or an adult with a disability; or have assumed voluntary residence with a 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 R.S. 14:93.4, the term "elderly"  
6 means a person who is aged is any individual sixty years of age or older.

D. The providing of treatment by a caregiver in accordance with a well-recognized spiritual method of healing, in lieu of medical treatment, shall not for that reason alone be considered the intentional or criminally negligent mistreatment or neglect of a person with an infirmity, an adult with a disability, or a person who is ~~aged~~ elderly. The provisions of this Subsection shall be an affirmative defense to a prosecution under this Section.

E.(1) Whoever commits the crime of cruelty to any person with an infirmity, adult with a disability, or person who is ~~aged~~ elderly shall be fined not more than ten thousand dollars or imprisoned with or without hard labor for not more than ten years, or both. At least one year of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence when the act of cruelty to persons with infirmities was intentional and malicious.

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20 §93.4. Exploitation of elderly persons or persons with infirmities

21 A. Exploitation of elderly persons or persons with infirmities is:

(1) The intentional expenditure, diminution, or use by any person, including a caregiver, of the property or assets of a person with an infirmity, an adult with a disability, or a person who is ~~aged~~ elderly, including but not limited to a resident of a nursing home, facility for persons with intellectual disabilities, mental health facility, hospital, or other residential facility without the express voluntary consent of the resident or the consent of a legally authorized representative of an incompetent resident, or by means of fraudulent conduct, practices, or representations.

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.

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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)]

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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.