

2025 Regular Session

HOUSE BILL NO. 363

BY REPRESENTATIVES COX, BACALA, HORTON, LAFLEUR, MOORE, AND KNOX
AND SENATORS BARROW AND HODGES

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§93.3. Cruelty to elderly and persons with infirmities

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

B. "Caregiver" is defined as any person or persons who temporarily or permanently is responsible for the care of a person with an infirmity; an adult with a physical or mental disability; or a person who is ~~aged~~ elderly, whether such care is voluntarily assumed or is assigned. ~~Caregiver~~ "Caregiver" includes but is not limited to adult 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.

1 C. For the purposes of this Section; and R.S. 14:93.4, the term "elderly"
2 means a person who is aged is any individual sixty years of age or older.

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

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

15 * * *

16 §93.4. Exploitation of elderly persons or persons with infirmities

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

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

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

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

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

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

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

16 D. In addition to the penalties provided in Subsections B and C of this
17 Section, a person convicted under the provisions of this Section shall be ordered to
18 make full restitution to the victim and any other person who has suffered a financial
19 loss as a result of the offense in accordance with Code of Criminal Procedure Article
20 883.2.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____