

# STATE OF NEW YORK

10064

## IN ASSEMBLY

March 6, 2020

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, the executive law and the administrative code of the city of New York, in relation to incorporating identity theft into the definition of elder abuse for purposes of support services and programs for elder persons

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 209 of the elder law is amended by  
2 adding a new paragraph (i) to read as follows:

3 (i) "Elder abuse or exploitation" shall mean any knowing or inten-  
4 tional act by a person which causes harm or a serious risk of harm to an  
5 older adult including physical, emotional, sexual, or financial harm, or  
6 harm related to identity theft, or neglect, abandonment or confinement.

7 § 2. Subdivision 16 of section 202 of the elder law, as added by chap-  
8 ter 455 of the laws of 2016, is amended to read as follows:

9 16. to the extent appropriations are available, and in consultation  
10 with the office of children and family services, conduct a public educa-  
11 tion campaign that emphasizes zero-tolerance for elder abuse. Such  
12 campaign shall include information about the signs and symptoms of elder  
13 abuse, identification of potential causes of elder abuse, resources  
14 available to assist in the prevention of elder abuse, where suspected  
15 elder abuse can be reported, contact information for programs offering  
16 services to victims of elder abuse such as counseling, and assistance  
17 with arranging personal care and shelter. Such campaign may include, but  
18 not be limited to: printed educational and informational materials;  
19 audio, video, electronic, other media; and public service announcements  
20 or advertisements. For purposes of this subdivision, the term "elder  
21 abuse" shall have the same meaning as the term "Elder abuse or exploita-  
22 tion" as set forth in paragraph (i) of subdivision one of section two  
23 hundred nine of this title.

24 § 3. Subdivision 1 of section 215 of the elder law is amended by  
25 adding a new paragraph (f) to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 (f) "Elder abuse" shall have the same meaning as the term "Elder abuse  
2 or exploitation" as set forth in paragraph (i) of subdivision one of  
3 section two hundred nine of this title.

4 § 4. Subdivision 1 of section 217 of the elder law is amended by  
5 adding a new paragraph (f) to read as follows:

6 (f) "Elder abuse" shall have the same meaning as the term "Elder abuse  
7 or exploitation" as set forth in paragraph (i) of subdivision one of  
8 section two hundred nine of this title.

9 § 5. Section 214-c of the executive law, as added by chapter 184 of  
10 the laws of 2008, is amended to read as follows:

11 § 214-c. Elder abuse awareness. The superintendent, in cooperation  
12 with the state office for the aging and the office of children and fami-  
13 ly services, shall, for all members of the division of state police: (1)  
14 develop, maintain and disseminate educational material relating to abuse  
15 of adults, including physical abuse, sexual abuse, emotional abuse,  
16 active neglect, passive neglect, self neglect, and financial exploita-  
17 tion, as such terms are defined in section four hundred seventy-three of  
18 the social services law, and identity theft, and (2) establish and  
19 implement written procedures and policies in the event a member of the  
20 division of state police encounters such abuse, including the provision  
21 of information and referral.

22 § 6. Subdivision e of section 21-201 of the administrative code of the  
23 city of New York, as added by local law number 43 of the city of New  
24 York for the year 2008, is amended to read as follows:

25 e. "Elder abuse" shall mean any knowing, intentional, or negligent act  
26 by a caregiver or any other person holding a trusting relationship with  
27 a vulnerable older adult, which causes harm or a serious risk of harm to  
28 that older adult including physical, emotional, sexual, or financial  
29 harm, or harm related to identity theft, or neglect, abandonment or  
30 confinement.

31 § 7. This act shall take effect immediately.