STATE OF NEW YORK

7712

IN SENATE

February 10, 2020

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

§ 3. Subdivision 1 of section 215 of the elder law is amended by 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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(f) "Elder abuse" shall have the same meaning as the term "Elder abuse or exploitation" as set forth in paragraph (i) of subdivision one of section two hundred nine of this title.

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

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

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

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

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

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

§ 7. This act shall take effect immediately.