

# STATE OF NEW YORK

1560

2021-2022 Regular Sessions

## IN SENATE

January 13, 2021

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:

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 amended by  
8 section 1 of subpart J of part XX of chapter 55 of the laws of 2020, is  
9 amended to read as follows:

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

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

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1 exploitation" as set forth in paragraph (i) of subdivision one of  
2 section two hundred nine of this title; and

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

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

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

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

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

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

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

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

35 § 7. This act shall take effect immediately.