

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** HB 96

**SHORT TITLE:** Domestic Abuse Disabled/Elder Adults

**SPONSOR(S):** Representative Edwards

<b>FISCAL IMPACT:</b>	<b>Expenditures:</b>	<b>Increase ( )</b>	<b>Decrease ( )</b>
	<b>Revenues:</b>	<b>Increase ( )</b>	<b>Decrease ( )</b>
	<b>No Impact (X)</b>		

**BILL SUMMARY:** "TO IMPOSE CRIMINAL PENALTIES FOR THE ABUSE, NEGLECT, OR EXPLOITATION OF DISABLED OR ELDER ADULTS LIVING IN A DOMESTIC SETTING." Adds new GS 14-32.3 making it unlawful for a caretaker to intentionally abuse a disabled or elder adult residing in a domestic setting, when the abuse causes physical injury or mental anguish, deterioration of a pre-existing mental or physical condition, or results in unreasonable confinement. Specifies that unless some other law provides for a greater penalty, such abuse resulting in unreasonable confinement is a Class F felony and any other form of such abuse is a Class C felony. Makes it unlawful for a caretaker of a disabled or elder adult residing in a domestic setting to engage in culpably negligent conduct that proximately causes physical or mental injury, deterioration of pre-existing mental or physical condition, or endangers the life of the adult. Specifies that unless some other law provides for a greater penalty, such neglect resulting in physical or mental or physical condition is a Class E felony and such neglect causing the adult's life to be endangered is a Class H felony. Creates offense of exploiting a disabled or elder adult residing in a domestic setting when the exploitation is the result of an illegal or improper use of the disabled or elder adult or the adult's resources - a Class G felony where resources in excess of \$1,000 are involved. Defines relevant terms. Provides that any defense arising under G.S. 90-321(h) or 90-322(d) (dealing with right to a natural death) is fully applicable to any prosecution under the new section. Provisions of the section do not supersede any other statutory or common law offenses. The section is not to be construed to impose criminal liability on a person who makes a good faith effort to provide for the health and personal care of a disabled or elder adult, but through no fault of his or her own has been unable to provide such care.

**EFFECTIVE DATE:** July 1, 1995

**PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:** Judicial Branch;  
Department of Correction

**FISCAL IMPACT**

FY 95-96    FY 96-97    FY 97-98    FY 98-99  
FY99-00

**EXPENDITURES**

**RECURRING NO FISCAL IMPACT**

**NON-RECURRING**

**ASSUMPTIONS AND METHODOLOGY:**

According to figures obtained from DSS Adult Protective Services, it seems likely that only a few additional cases would be prosecuted under the proposed bill. Thus, the Administrative Office of the Courts and the North Carolina Sentencing and Policy Advisory Commission would not expect the proposed bill to have a substantial fiscal impact.

**SOURCES OF DATA:** Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION (733-4910)**

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**DATE:** May 4, 1995

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