

IN THE SENATE

SENATE BILL NO. 1327

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO VULNERABLE ADULTS; AMENDING SECTION 18-1505, IDAHO CODE, TO RE-
VISE A DEFINITION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-1505, Idaho Code, be, and the same is hereby
amended to read as follows:

18-1505. ABUSE, EXPLOITATION OR NEGLECT OF A VULNERABLE ADULT. (1) Any
person who abuses or neglects a vulnerable adult under circumstances likely
to produce great bodily harm or death is guilty of a felony punishable by im-
prisonment for not more than ten (10) years and not more than a twenty-five
thousand dollar (\$25,000) fine.

(2) Any person who abuses or neglects a vulnerable adult under cir-
cumstances other than those likely to produce great bodily harm or death is
guilty of a misdemeanor.

(3) Any person who exploits a vulnerable adult is guilty of a misde-
meanor, unless the monetary damage from such exploitation exceeds one thou-
sand dollars (\$1,000), in which case the person is guilty of a felony pun-
ishable by imprisonment for not more than ten (10) years and not more than a
twenty-five thousand dollar (\$25,000) fine.

(4) As used in this section:

(a) "Abuse" means the intentional or negligent infliction of physical
pain, injury or mental injury. Intentional abuse shall be punished
under subsection (1) or (2) of this section depending upon the harm
inflicted. Abuse by negligent infliction shall only be punished under
subsection (2) of this section.

(b) "Caretaker" means any individual or institution that is responsi-
ble by relationship, contract or court order to provide food, shelter or
clothing, medical or other life-sustaining necessities to a vulnerable
adult.

(c) "Exploitation" or "exploit" means an action which may include, but
is not limited to, the unjust or improper use of a vulnerable adult's fi-
nancial power of attorney, funds, property or resources by another per-
son for profit or advantage.

(d) "Neglect" means failure of a caretaker to provide food, clothing,
shelter or medical care to a vulnerable adult, in such a manner as to
jeopardize the life, health and or safety of the vulnerable adult.

(e) "Vulnerable adult" means a person eighteen (18) years of age or
older who is unable to protect himself from abuse, neglect or exploita-
tion due to physical or mental impairment which affects the person's
judgment or behavior to the extent that he lacks sufficient understand-
ing or capacity to make or communicate or implement decisions regarding
his person, funds, property or resources.

1 (5) Nothing in this section shall be construed to mean a person is
2 abused, neglected or exploited for the sole reason he is relying upon treat-
3 ment by spiritual means through prayer alone in accordance with the tenets
4 and practices of a recognized church or religious denomination; nor shall
5 the provisions of this section be construed to require any medical care or
6 treatment in contravention of the stated or implied objection of such a per-
7 son.

8 (6) Nothing in this section shall be construed to mean that an employer
9 or supervisor of a person who abuses, exploits or neglects a vulnerable adult
10 may be prosecuted unless there is direct evidence of a violation of this
11 statute by the employer or supervisor.