

House Study Bill 21 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to the exploitation of a dependent adult by a
2 caretaker.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 235B.2, subsection 5, paragraph a,
2 subparagraph (1), subparagraph division (c), Code 2019, is
3 amended to read as follows:

4 (c) Exploitation of a dependent adult which means the act
5 or process of taking unfair advantage of a dependent adult
6 or the adult's physical or financial resources ~~for one's own~~
7 ~~personal or pecuniary profit~~, without the informed consent
8 of the dependent adult, including theft, by the use of undue
9 influence, harassment, duress, deception, false representation,
10 or false pretenses.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to the exploitation of a dependent adult
15 by a caretaker.

16 Under current law, dependent adult abuse includes the
17 exploitation of a dependent adult as a result of the willful or
18 negligent acts or omissions of a caretaker when the caretaker
19 takes unfair advantage of the dependent adult's physical
20 or financial resources for the caretaker's own personal
21 or pecuniary profit without the dependent adult's consent
22 by undue influence, harassment, duress, deception, false
23 representation, or false pretenses. "Caretaker" is defined
24 as a related or nonrelated person who has the responsibility
25 for the protection, care, or custody of a dependent adult as a
26 result of assuming the responsibility voluntarily, by contract,
27 through employment, or by order of the court.

28 The bill eliminates the requirement that a caretaker taking
29 unfair advantage of a dependent adult's physical or financial
30 resources must do so for the caretaker's own personal or
31 pecuniary profit.