

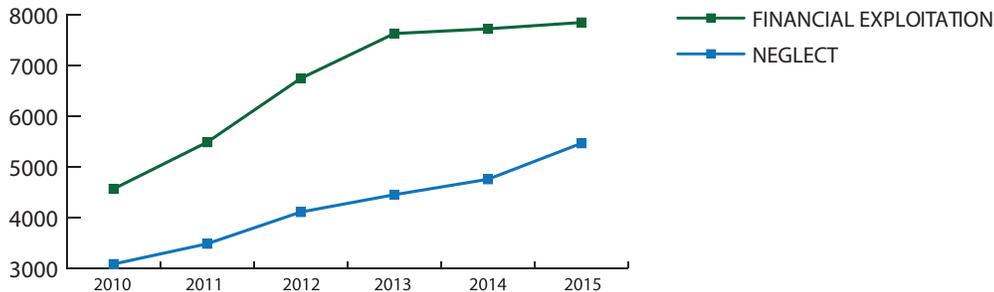
2017 LEGISLATIVE SESSION AG REQUEST LEGISLATION

Combat Vulnerable Adult Abuse

Improve criminal prosecutions of the two most prevalent forms of elder abuse - financial exploitation and neglect.

PROBLEM

Vulnerable adult abuse and neglect is a growing and underreported problem in Washington state and across the country. In 2015, Adult Protective Services (APS) received 7,852 complaints of financial exploitation and 5,466 complaints of vulnerable adult neglect. Together, these made up nearly half of all complaints to APS.



Despite the number of complaints, few cases of financial exploitation and criminal neglect of vulnerable adults are criminally prosecuted in Washington state.

CURRENT LAW

Currently, prosecutors prosecuting financial exploitation of a vulnerable adult must charge Theft 1 (RCW 9A.56.030) or Theft 2 (RCW 9A.56.040) with a Vulnerable Adult aggravator. The aggravator is not applied uniformly across Washington's counties. Worse, the statute of limitations for criminal theft charges is only three years. It often takes years for vulnerable adult financial exploitation to be uncovered.

Under current law, neglect of a vulnerable adult is covered under the criminal mistreatment statute. (RCW 9A.42) The standard of culpability to sustain a felony criminal mistreatment charge is "recklessness." This standard makes prosecutions difficult because it is inconsistent with the realities of the crimes, which involve a gross failure to act rather than reckless acts.

BACKGROUND

Washington state is one of only thirteen states without a specific crime of theft from elderly or vulnerable adults. [See map on back]

In 2015, Adult Protective Services received more than 5,000 complaints of neglect of a vulnerable adult, yet that same year, according the Administrative Office of the Courts, only 34 felony criminal mistreatment charges were filed in Washington state. The number of felony convictions sustained was far lower.

LEGISLATION (SB 5099 - HB 1153)

This legislation protects seniors and vulnerable adults by:

- creating a specific crime for "Theft from Vulnerable Adult" with a six-year statute of limitations;
- amending the mens rea, or standard of culpability, for felony criminal mistreatment from "recklessness" to "criminal negligence;" and
- encouraging counties to establish multijurisdictional teams to facilitate better coordination and information sharing between agencies to better prevent and enforce these crimes.



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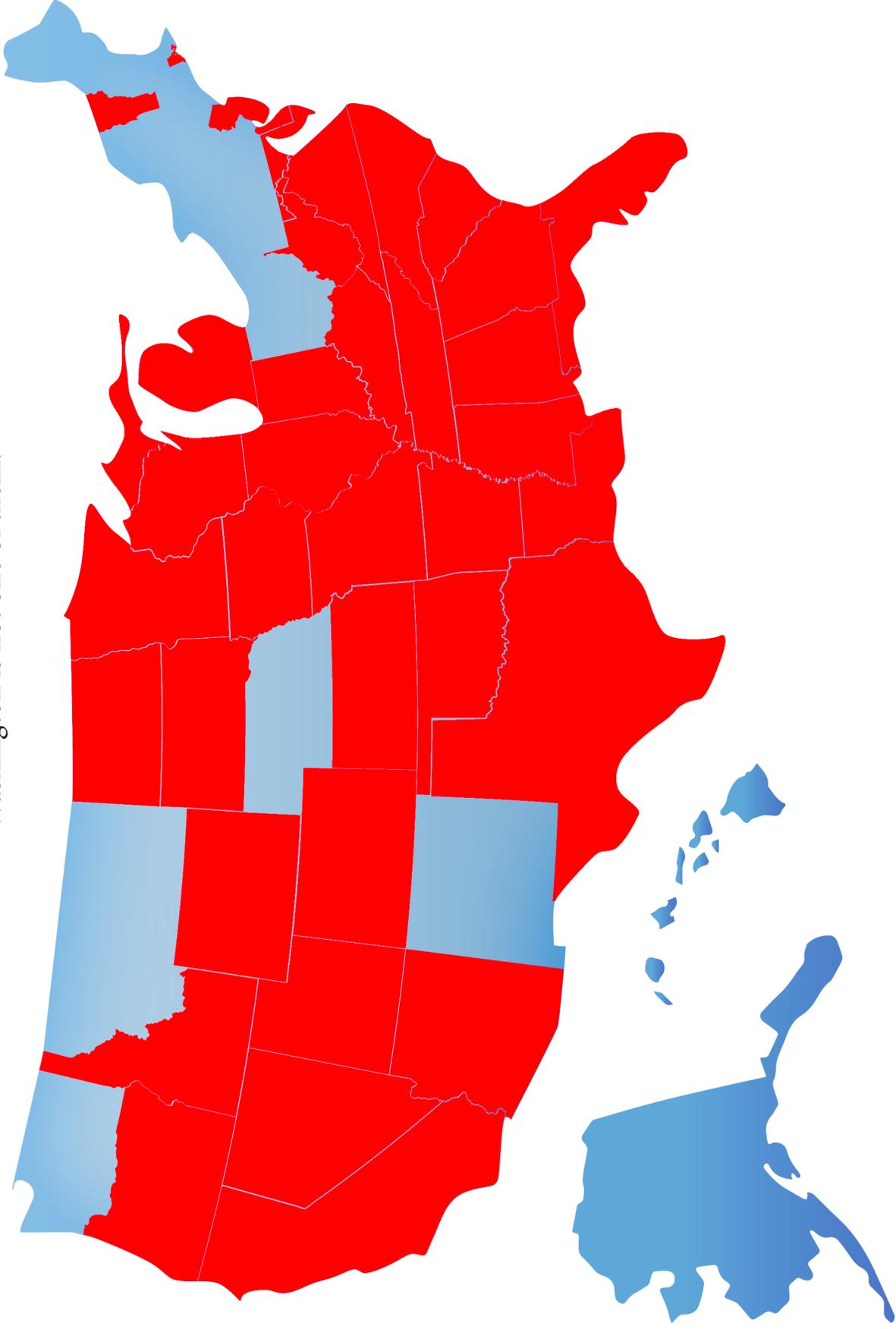
SUPPORTED BY:

- Office of the Attorney General
- AARP
- Disability Rights Washington
- National Multiple Sclerosis Society

THEFT FROM A VULNERABLE ADULT

37 states have made it a crime to financially exploit vulnerable adults.

Washington is not one of them.



Source: United States Department of Justice Elder Justice Project
<https://www.justice.gov/elderjustice/prosecutors/statutes>