



## POSITION ON PROPOSED LEGISLATION

BILL: HB 320 – Criminal Law - Exploitation of Vulnerable Adult or Elderly Individual - Undue Influence

POSITION: SUPPORT WITH AMENDMENT

DATE: February 4, 2020

The Office of the Public Defender has concerns regarding the re-definition of “undue influence” on page 2, lines 27-32.

We believe the new definition would criminalize persuasive behavior that may certainly be wrong and concerning, but not rising to the level of criminal culpability. We believe there are civil laws against fraud which might more properly deal with this kind of wrongdoing.

We would ask the bill be amended in the following way to address these concerns:

27 (6) (i) “Undue influence” means ~~domination, and influence~~ OR EXCESSIVE PERSUASION  
amounting  
28 to force and coercion exercised by another person to such an extent that a vulnerable adult  
29 or an individual at least 68 years old was prevented from exercising free judgment and  
30 choice. ~~EXCESSIVE PERSUASION THAT CAUSES A VULNERABLE ADULT OR AN~~  
31 ~~INDIVIDUAL AT LEAST 68 YEARS OLD TO ACT OR REFRAIN FROM ACTING BY~~  
32 ~~OVERCOMING THAT PERSON’S FREE WILL AND THAT RESULTS IN INEQUITY.~~