

Protecting Alabama’s Elders Act – Fact Sheet

- The Protecting Alabama’s Elders Act creates additional criminal penalties for elder abuse, neglect, and financial exploitation. Similar penalties are found in the existing Adult Protective Services Act (APS) which apply to victims who are categorized as a “protected person”. The Protecting Alabama’s Elders Act does not change the current APS penalties, but adds new sections to the Alabama criminal code. These new sections provide law enforcement and prosecutors additional avenues to prosecute elder abuse, neglect, and financial exploitation.

- The new criminal code sections apply to victims who are sixty (60) years of age or older.

- What is elder abuse, neglect, and financial exploitation?
 - o “Abuse” is the infliction of physical pain or injury.
 - o “Emotional Abuse” is the intentional or reckless infliction of emotional or mental anguish. Also, the use of a physical or chemical restraint, medication, or isolation as punishment or as a substitute for treatment can be considered emotional abuse.
 - o “Neglect” is the failure of a caregiver to provide food, shelter, clothing, medical services, medication, or health care for an elderly person. A “caregiver” is an individual who has the responsibility for the care of an elderly person. To be considered criminal, neglect must cause physical injury to an elderly person.
 - o “Financial Exploitation” is the use of deception, intimidation, undue influence, force, or threat of force to obtain an elderly person’s money or property. Also, a guardian, conservator, or agent under power of attorney who breaches their duty to an elderly person and makes an unauthorized transfer of that person’s money or property can be subject to criminal penalties.

- Elder abuse, neglect, and financial exploitation can be prosecuted as first degree, second degree, or third degree abuse or neglect depending on intent of the perpetrator and the severity of harm to the victim.

Abuse and Neglect - 1 st degree	- Intentional abuse or neglect that causes serious physical injury	Class A felony (10 years to life)
Abuse and Neglect - 2 nd degree	- Intentional abuse or neglect that causes physical injury - Reckless abuse or neglect that causes serious physical injury - Abuse, neglect, or emotional abuse after previous conviction for 3 rd degree elder abuse and neglect	Class B felony (2 to 20 years)
Abuse and Neglect - 3 rd degree	- Reckless abuse or neglect that causes physical injury - Reckless emotional abuse	Class A misdemeanor (up to 1 year)
Financial Exploitation - 1st degree	Value of the property taken exceeds \$2,500	Class B felony (2 to 20 years)
Financial Exploitation - 2nd degree	Value of the property taken exceeds \$500 but does not exceed \$2,500	Class C felony (1 to 10 years)
Financial Exploitation - 3rd degree	Value of the property taken does not exceed \$500	Class A misdemeanor (up to 1 year)

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