

1 AN ACT relating to the exploitation of adults.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 514.010 is amended to read as follows:

4 The following definitions apply in this chapter unless the context otherwise requires:

5 (1) ***"Caregiver" means an individual who has been entrusted with or who has the***  
6 ***responsibility for the care of a vulnerable adult as a result of family relationship,***  
7 ***or who has assumed the responsibility for the care of the vulnerable adult***  
8 ***voluntarily or by contract, employment, legal duty, or agreement.***

9 **(2)** "Deprive" means:

10 (a) To withhold property of another permanently or for so extended a period as to  
11 appropriate a major portion of its economic value or with intent to restore only  
12 upon payment of reward or other compensation; or

13 (b) To dispose of the property so as to make it unlikely that the owner will  
14 recover it.

15 **(3) *"Dosage unit" means a single pill, capsule, ampule, liquid, or other form of***  
16 ***administration available as a single unit.***

17 **(4)**~~(2)~~ "Financial institution" means a bank, insurance company, credit union,  
18 building and loan association, savings and loan association, investment trust or  
19 other organization held out to the public as a place of deposit of funds or medium of  
20 savings or collective investment.

21 **(5)**~~(3)~~ "Movable property" means property the location of which can be changed,  
22 including things growing on, affixed to, or found in land, and documents although  
23 the rights represented thereby have no physical location. "Immovable property" is  
24 all other property.

25 **(6)**~~(4)~~ "Obtain" means:

26 (a) In relation to property, to bring about a transfer or purported transfer from  
27 another person of a legal interest in the property, whether to the obtainer or

1 another; or

2 (b) In relation to labor or service, to secure performance thereof.

3 ~~(7)~~<sup>(5)</sup> "Propelled vehicle" means any vehicle, including but not limited to motor  
4 vehicles, aircraft, boats, or construction machinery, which is propelled otherwise  
5 than by muscle power or which is readily capable of being towed otherwise than by  
6 muscle power.

7 ~~(8)~~<sup>(6)</sup> "Property" means anything of value, including real estate, tangible and  
8 intangible personal property, contract rights, documents, choses-in-action and other  
9 interests in or claims to wealth, admission or transportation tickets, captured or  
10 domestic animals, food and drink.

11 ~~(9)~~<sup>(7)</sup> "Property of another" includes property in which any person other than the  
12 actor has an interest which the actor is not privileged to infringe, regardless of the  
13 fact that the actor also has an interest in the property and regardless of the fact that  
14 the other person might be precluded from civil recovery because the property was  
15 used in an unlawful transaction or was subject to forfeiture as contraband. Property  
16 in possession of the actor shall not be deemed property of another who has only a  
17 security interest therein, even if legal title is in the creditor pursuant to a conditional  
18 sales contract or other security arrangement.

19 ~~(10)~~<sup>(8)</sup> "Receiving" means acquiring possession, control or title or lending on the  
20 security of the property.

21 ~~(11)~~<sup>(9)</sup> "Services" includes labor, professional service, transportation, telephone,  
22 electricity, gas, water or other public service, accommodation in hotels, restaurants  
23 or elsewhere, admission to exhibitions, use of vehicles or other movable property.

24 ~~(12)~~<sup>(10)</sup> "Tax liability" for purposes of this chapter means the amount of money by  
25 which a person understates the total amount of taxes due or collected and not  
26 remitted to the Commonwealth, or the amount he fails to pay to the state, or both.  
27 Any person whose income is subject to the withholding of income tax and from

1 whose income taxes are withheld shall be considered, for purposes of this chapter,  
2 to have paid to the Commonwealth the sum of money withheld, whether or not such  
3 sum withheld is paid to the Commonwealth.

4 ~~(13)~~~~(11)~~ "Tax return" means any return, declaration, report or form issued or prescribed  
5 by the Department of Revenue and required to be filed with the Department of  
6 Revenue as prescribed by law.

7 **(14) "Vulnerable adult" means a person who:**

8 **(a) Because of mental or physical dysfunctions, is unable to carry out the**  
9 **activities of daily living without the assistance of a caregiver; or**

10 **(b) Has reached the age of seventy-five (75).**

11 ➔Section 2. KRS 514.030 is amended to read as follows:

12 (1) Except as otherwise provided in KRS 217.181, a person is guilty of theft by  
13 unlawful taking or disposition when he unlawfully:

14 (a) Takes or exercises control over movable property of another with intent to  
15 deprive him thereof; or

16 (b) Obtains immovable property of another or any interest therein with intent to  
17 benefit himself or another not entitled thereto.

18 (2) Theft by unlawful taking or disposition is a Class A misdemeanor unless:

19 (a) The property is a firearm (regardless of the value of the firearm), in which  
20 case it is a Class D felony;

21 (b) The property is anhydrous ammonia (regardless of the value of the ammonia),  
22 in which case it is a Class D felony unless it is proven that the person violated  
23 this section with the intent to manufacture methamphetamine in violation of  
24 KRS 218A.1432, in which case it is a Class B felony for the first offense and a  
25 Class A felony for each subsequent offense;

26 (c) The property is one (1) or more controlled substances valued collectively at  
27 less than ten thousand dollars (\$10,000), in which case it is a Class D felony;

- 1           (d) **The convicted person is a caregiver and the victim is:**
- 2                 **1. A vulnerable adult for whom the caregiver is responsible;**
- 3                 **2. Another person in that vulnerable adult's household who has reached**
- 4                         **the age of seventy-five (75); or**
- 5                 **3. Another person in that vulnerable adult's household with mental or**
- 6                         **physical dysfunctions,**
- 7                         **in which case taking fewer than five (5) dosage units of a controlled**
- 8                         **substance is a Class D felony for the first offense, or a Class C felony for a**
- 9                         **second or subsequent offense, and taking five (5) or more dosage units of a**
- 10                         **controlled substance is a Class C felony;**
- 11           (e) The value of the property is five hundred dollars (\$500) or more but less than
- 12                         ten thousand dollars (\$10,000), in which case it is a Class D felony;
- 13           ~~(f)(e)~~ The value of the property is ten thousand dollars (\$10,000) or more but
- 14                         less than one million dollars (\$1,000,000), in which case it is a Class C felony;
- 15           ~~(g)(f)~~ The value of the property is one million dollars (\$1,000,000) or more but
- 16                         less than ten million dollars (\$10,000,000), in which case it is a Class B
- 17                         felony; or
- 18           ~~(h)(g)~~ The value of the property is ten million dollars (\$10,000,000) or more,
- 19                         in which case it is a Class B felony.
- 20           (3) Any person convicted under subsection (2)~~(h)(g)~~ of this section shall not be
- 21                         released on probation or parole until he or she has served at least fifty percent (50%)
- 22                         of the sentence imposed, any statute to the contrary notwithstanding.