

HOUSE BILL NO. 532

INTRODUCED BY B. MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE ABUSE, NEGLECT, OR EXPLOITATION OF INCAPACITATED PERSONS AND VULNERABLE ADULTS; PROVIDING FOR A CRIME OF ABUSE, SEXUAL ABUSE, OR NEGLECT; PROVIDING FOR A CRIME OF FAILURE TO REPORT OR FALSE REPORTING; PROVIDING FOR A CRIME OF EXPLOITATION; REVISING CRIMES RELATED TO THEFT OF IDENTITY; PROVIDING DEFINITIONS; AMENDING SECTIONS 44-15-103, 45-6-332, 46-16-222, 46-18-104, 46-18-111, 46-23-502, 46-23-509, AND 52-3-803, MCA; AND REPEALING SECTIONS 45-6-333 AND 52-3-825, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 4], unless the context clearly indicates otherwise, the following definitions apply:

- (1) (a) "Abuse" means:
 - (i) the commission of assault as described in 45-5-201;
 - (ii) the deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of a vulnerable adult without lawful authority; or
 - (iii) the causing of personal degradation of a vulnerable adult in a place where the vulnerable adult has a reasonable expectation of privacy.
- (b) For the purposes of subsection (1)(a)(ii), a declaration made pursuant to 50-9-103 constitutes lawful authority.
- (2) "Incapacitated person" has the same meaning as provided in 72-5-101.
- (3) "Neglect" means the failure of a person who has assumed legal responsibility or a contractual obligation for caring for a vulnerable adult or who has voluntarily assumed responsibility for the vulnerable adult's care, including an employee of a public or private residential institution, facility, home, or agency, to provide food, shelter, clothing, or services necessary to maintain the physical or mental health of the vulnerable