

1 AN ACT concerning the elderly.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Probate Act of 1975 is amended by adding
5 Section 2-6.2 as follows:

6 (755 ILCS 5/2-6.2 new)

7 Sec. 2-6.2. Elder abuse.

8 (a) Persons convicted of financial exploitation, abuse,
9 or neglect of an elderly person shall not receive any
10 property, benefit, or other interest by reason of the death
11 of that elderly person, whether as heir, legatee,
12 beneficiary, survivor, appointee, or in any other capacity
13 and whether the property, benefit, or other interest passes
14 pursuant to any form of title registration, testamentary or
15 nontestamentary instrument, intestacy, renunciation, or any
16 other circumstance. The property, benefit, or other interest
17 shall pass as if the person convicted of the financial
18 exploitation, abuse, or neglect died before the decedent,
19 provided that with respect to joint tenancy property the
20 interest possessed prior to the death by the person convicted
21 of the financial exploitation, abuse, or neglect shall not be
22 diminished by the application of this Section.
23 Notwithstanding the foregoing, a person convicted of
24 financial exploitation, abuse, or neglect of an elderly
25 person shall be entitled to receive property, a benefit, or
26 an interest in any capacity and under any circumstances
27 described in this subsection (a) if it is demonstrated by
28 clear and convincing evidence that the victim of that offense
29 knew of the conviction and subsequent to the conviction
30 expressed or ratified his or her intent to transfer the
31 property, benefit, or interest to the person convicted of

1 financial exploitation, abuse, or neglect of an elderly
2 person in any manner contemplated by this subsection (a).

3 (b) (1) The holder of any property subject to the
4 provisions of this Section shall not be liable for
5 distributing or releasing the property to the person
6 convicted of financial exploitation, abuse, or neglect of an
7 elderly person if the distribution or release occurs prior to
8 the conviction.

9 (2) If the holder is a financial institution, trust
10 company, trustee, or similar entity or person, the holder
11 shall not be liable for any distribution or release of
12 the property, benefit, or other interest to the person
13 convicted of a violation of Section 12-19, 12-21, or
14 16-1.3 of the Criminal Code of 1961 unless the holder
15 knowingly distributes or releases the property, benefit,
16 or other interest to the person so convicted after first
17 having received actual written notice of the conviction
18 in sufficient time to act upon the notice.

19 (c) If the holder of any property subject to the
20 provisions of this Section knows that a potential beneficiary
21 has been convicted of financial exploitation, abuse, or
22 neglect of an elderly person within the scope of this
23 Section, the holder shall fully cooperate with law
24 enforcement authorities and judicial officers in connection
25 with any investigation of the financial exploitation, abuse,
26 or neglect. If the holder is a person or entity that is
27 subject to regulation by a regulatory agency pursuant to the
28 laws of this or any other state or pursuant to the laws of
29 the United States, including but not limited to the business
30 of a financial institution, corporate fiduciary, or insurance
31 company, then such person or entity shall not be deemed to be
32 in violation of this Section to the extent that privacy laws
33 and regulations applicable to such person or entity prevent
34 it from voluntarily providing law enforcement authorities or

1 judicial officers with information.

2 (d) As used in this Section, "elderly person" means a

3 person 60 years of age or older.