

1 AN ACT in relation to elderly and disabled persons.

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. Financial exploitation, abuse, or neglect of
8 an elderly person or a person with a disability.

9 (a) In this Section:

10 "Abuse" means any offense described in Section 12-21 of
11 the Criminal Code of 1961.

12 "Financial exploitation" means any offense described in
13 Section 16-1.3 of the Criminal Code of 1961.

14 "Neglect" means any offense described in Section 12-19 of
15 the Criminal Code of 1961.

16 (b) Persons convicted of financial exploitation, abuse,
17 or neglect of an elderly person or a person with a disability
18 shall not receive any property, benefit, or other interest by
19 reason of the death of that elderly person or person with a
20 disability, whether as heir, legatee, beneficiary, survivor,
21 appointee, or in any other capacity and whether the property,
22 benefit, or other interest passes pursuant to any form of
23 title registration, testamentary or nontestamentary
24 instrument, intestacy, renunciation, or any other
25 circumstance. The property, benefit, or other interest shall
26 pass as if the person convicted of the financial
27 exploitation, abuse, or neglect died before the decedent,
28 provided that with respect to joint tenancy property the
29 interest possessed prior to the death by the person convicted
30 of the financial exploitation, abuse, or neglect shall not be
31 diminished by the application of this Section.

1 Notwithstanding the foregoing, a person convicted of
2 financial exploitation, abuse, or neglect of an elderly
3 person or a person with a disability shall be entitled to
4 receive property, a benefit, or an interest in any capacity
5 and under any circumstances described in this subsection (b)
6 if it is demonstrated by clear and convincing evidence that
7 the victim of that offense knew of the conviction and
8 subsequent to the conviction expressed or ratified his or her
9 intent to transfer the property, benefit, or interest to the
10 person convicted of financial exploitation, abuse, or neglect
11 of an elderly person or a person with a disability in any
12 manner contemplated by this subsection (b).

13 (c) (1) The holder of any property subject to the
14 provisions of this Section shall not be liable for
15 distributing or releasing the property to the person
16 convicted of financial exploitation, abuse, or neglect of an
17 elderly person or a person with a disability if the
18 distribution or release occurs prior to the conviction.

19 (2) If the holder is a financial institution, trust
20 company, trustee, or similar entity or person, the holder
21 shall not be liable for any distribution or release of
22 the property, benefit, or other interest to the person
23 convicted of a violation of Section 12-19, 12-21, or
24 16-1.3 of the Criminal Code of 1961 unless the holder
25 knowingly distributes or releases the property, benefit,
26 or other interest to the person so convicted after first
27 having received actual written notice of the conviction
28 in sufficient time to act upon the notice.

29 (d) If the holder of any property subject to the
30 provisions of this Section knows that a potential beneficiary
31 has been convicted of financial exploitation, abuse, or
32 neglect of an elderly person or a person with a disability
33 within the scope of this Section, the holder shall fully
34 cooperate with law enforcement authorities and judicial

1 officers in connection with any investigation of the
2 financial exploitation, abuse, or neglect. If the holder is a
3 person or entity that is subject to regulation by a
4 regulatory agency pursuant to the laws of this or any other
5 state or pursuant to the laws of the United States, including
6 but not limited to the business of a financial institution,
7 corporate fiduciary, or insurance company, then such person
8 or entity shall not be deemed to be in violation of this
9 Section to the extent that privacy laws and regulations
10 applicable to such person or entity prevent it from
11 voluntarily providing law enforcement authorities or judicial
12 officers with information.