

1 AMENDMENT TO HOUSE BILL 51

2 AMENDMENT NO. _____. Amend House Bill 51 by replacing the
3 title with the following:

4 "AN ACT in relation to elderly and disabled persons.;"
5 and

6 by replacing everything after the enacting clause with the
7 following:

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

10 (755 ILCS 5/2-6.2 new)

11 Sec. 2-6.2. Financial exploitation, abuse, or neglect of
12 an elderly person or a person with a disability.

13 (a) In this Section:

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

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

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

20 (b) Persons convicted of financial exploitation, abuse,
21 or neglect of an elderly person or a person with a disability

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

27 (c) (1) The holder of any property subject to the
28 provisions of this Section shall not be liable for
29 distributing or releasing the property to the person
30 convicted of financial exploitation, abuse, or neglect of an
31 elderly person or a person with a disability if the
32 distribution or release occurs prior to the conviction.

33 (2) If the holder is a financial institution, trust
34 company, trustee, or similar entity or person, the holder

1 shall not be liable for any distribution or release of
2 the property, benefit, or other interest to the person
3 convicted of a violation of Section 12-19, 12-21, or
4 16-1.3 of the Criminal Code of 1961 unless the holder
5 knowingly distributes or releases the property, benefit,
6 or other interest to the person so convicted after first
7 having received actual written notice of the conviction
8 in sufficient time to act upon the notice.

9 (d) If the holder of any property subject to the
10 provisions of this Section knows that a potential beneficiary
11 has been convicted of financial exploitation, abuse, or
12 neglect of an elderly person or a person with a disability
13 within the scope of this Section, the holder shall fully
14 cooperate with law enforcement authorities and judicial
15 officers in connection with any investigation of the
16 financial exploitation, abuse, or neglect. If the holder is a
17 person or entity that is subject to regulation by a
18 regulatory agency pursuant to the laws of this or any other
19 state or pursuant to the laws of the United States, including
20 but not limited to the business of a financial institution,
21 corporate fiduciary, or insurance company, then such person
22 or entity shall not be deemed to be in violation of this
23 Section to the extent that privacy laws and regulations
24 applicable to such person or entity prevent it from
25 voluntarily providing law enforcement authorities or judicial
26 officers with information."