

~~(III) MAKING A PROMISE THAT THE PERSON DOES NOT INTEND TO PERFORM OR THAT THE PERSON KNOWS WILL NOT OR CANNOT BE PERFORMED. A PERSON'S FAILURE TO PERFORM A PROMISE IS NOT BY ITSELF SUFFICIENT PROOF THAT THE PERSON DID NOT INTEND TO PERFORM THE PROMISE;~~

~~(IV) MISREPRESENTING OR CONCEALING A MATERIAL FACT THAT RELATES TO THE TERMS OF A CONTRACT OR AN AGREEMENT THAT THE PERSON ENTERS INTO OR THAT RELATES TO THE EXISTING OR PREEXISTING CONDITION OF ANY OF THE PROPERTY INVOLVED IN A CONTRACT OR AN AGREEMENT; OR~~

~~(V) USING A MATERIAL MISREPRESENTATION, FALSE PRETENSE, OR FALSE PROMISE TO INDUCE, ENCOURAGE, OR SOLICIT SOMEONE TO ENTER INTO A CONTRACT OR AN AGREEMENT.~~

(2) "DECEPTION" HAS THE MEANING STATED IN § 7-101 OF THIS ARTICLE.

(3) "DEPRIVE" HAS THE MEANING STATED IN § 7-101 OF THIS ARTICLE.

(4) "OBTAIN" HAS THE MEANING STATED IN § 7-101 OF THIS ARTICLE.

(5) "PROPERTY" HAS THE MEANING STATED IN § 7-101 OF THIS ARTICLE.

(6) "VALUE" HAS THE MEANING STATED IN § 7-103 OF THIS ARTICLE.

~~(3)~~ (7) (I) "UNDUE INFLUENCE" MEANS DOMINATION AND INFLUENCE AMOUNTING TO FORCE AND COERCION EXERCISED BY ANOTHER PERSON TO SUCH AN EXTENT THAT A VULNERABLE ADULT WAS PREVENTED FROM EXERCISING FREE JUDGMENT AND CHOICE.

(II) "UNDUE INFLUENCE" DOES NOT INCLUDE THE NORMAL INFLUENCE THAT ONE MEMBER OF A FAMILY HAS OVER ANOTHER MEMBER OF THE FAMILY.

(4) (8) "VULNERABLE ADULT" HAS THE MEANING STATED IN § 3-603 OF THIS ARTICLE.

~~(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A PERSON CONVICTED OF A VIOLATION OF THIS SECTION SHALL NOT PROFIT FROM THE PERSON'S CRIME AGAINST THE VULNERABLE ADULT.~~

~~(C) A PERSON MAY NOT KNOWINGLY AND WILLFULLY OBTAIN OR USE, OR ENDEAVOR TO OBTAIN OR USE, BY DECEPTION, INTIMIDATION, OR UNDUE INFLUENCE, THE FUNDS, CREDIT, ASSETS, OR OTHER PROPERTY OF A VULNERABLE ADULT, SOMEONE WHOM THE PERSON KNOWS OR REASONABLY SHOULD KNOW LACKS THE PHYSICAL OR MENTAL CAPACITY TO PROVIDE FOR THEIR DAILY NEEDS, WITH THE INTENT TEMPORARILY OR PERMANENTLY TO DEPRIVE THE VULNERABLE ADULT OF THE USE, BENEFIT, OR POSSESSION OF THE VULNERABLE ADULT'S FUNDS, CREDIT, ASSETS, OR OTHER PROPERTY.~~

(B) A PERSON MAY NOT KNOWINGLY AND WILLFULLY OBTAIN BY DECEPTION, INTIMIDATION, OR UNDUE INFLUENCE THE PROPERTY OF AN INDIVIDUAL THAT THE