

PERSON KNOWS OR REASONABLY SHOULD KNOW IS A VULNERABLE ADULT WITH INTENT TO DEPRIVE THE VULNERABLE ADULT OF THE VULNERABLE ADULT'S PROPERTY.

~~(D)~~ (C) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION WHEN THE VALUE OF THE PROPERTY IS \$500 OR MORE IS GUILTY OF A FELONY AND:

(I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; AND

(II) SHALL RESTORE THE PROPERTY TAKEN OR ITS VALUE TO THE OWNER, OR, IF THE OWNER IS DECEASED, RESTORE THE PROPERTY OR ITS VALUE TO THE OWNER'S ESTATE.

(2) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION WHEN THE VALUE OF THE PROPERTY IS LESS THAN \$500 IS GUILTY OF A MISDEMEANOR AND:

(I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND

(II) SHALL RESTORE THE PROPERTY TAKEN OR ITS VALUE TO THE OWNER, OR, IF THE OWNER IS DECEASED, RESTORE THE PROPERTY OR ITS VALUE TO THE OWNER'S ESTATE.

~~(E)~~ (D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION OF THIS SECTION.

~~(F)~~ (E) A CONVICTION UNDER THIS SECTION SHALL DISQUALIFY THE DEFENDANT FROM INHERITING, TAKING, ENJOYING, RECEIVING, OR OTHERWISE BENEFITTING FROM THE ESTATE, INSURANCE PROCEEDS, ASSETS, OR ANY OTHER THING OF VALUE OR PROPERTY OF THE VULNERABLE ADULT, WHETHER BY OPERATION OF LAW OR PURSUANT TO A LEGAL DOCUMENT EXECUTED OR ENTERED INTO BY THE VULNERABLE ADULT BEFORE THE DEFENDANT SHALL HAVE BEEN CONVICTED UNDER THIS SECTION AND SHALL HAVE MADE FULL RESTORATION OF THE PROPERTY TAKEN OR OF ITS VALUE TO THE VULNERABLE ADULT.

(F) THIS SECTION MAY NOT BE CONSTRUED TO IMPOSE CRIMINAL LIABILITY ON A PERSON WHO, AT THE REQUEST OF THE VULNERABLE ADULT, THE VULNERABLE ADULT'S FAMILY, OR THE COURT APPOINTED GUARDIAN OF THE VULNERABLE ADULT, HAS MADE A GOOD FAITH EFFORT TO ASSIST THE VULNERABLE ADULT IN THE MANAGEMENT OF OR TRANSFER OF THE VULNERABLE ADULT'S PROPERTY.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.

Approved May 16, 2002.