

STATE SENATOR · JIM BARCIA · 31ST DISTRICT

Barcia Press Release

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SEN. BARCIA INTRODUCES LEGISLATION TO PROTECT SENIORS FROM FRAUD AND ABUSE

"Safeguard Our Seniors" package strengthens penalties, protects from predators

LANSING—Today State Senator Jim Barcia (D-Bay City) joined his colleagues in introducing “Safeguard Our Seniors” legislation, a ten-bill package designed to protect senior citizens from predators. The bills seek to prevent exploitation of the elderly by ratcheting up penalties and providing necessary tools for prosecutors, based on recommendations made by Governor Jennifer Granholm’s Task Force on Elder Abuse. This legislation helps kick off “Older Americans Awareness Month” in May.

"As Michigan's population continues to age, we have a responsibility to deal with issues that affect older adults," Barcia said. "This legislation will protect a vulnerable and valued segment of our society from crimes and abuse, while providing them well-deserved protections."

The SOS package would implement recommendations set forth by the Governor’s Task Force on Elder Abuse. The bills would make it easier for senior citizens to testify in these types of cases, and remove some of the obstructions that can often arise in investigating and prosecuting crimes against the elderly. This legislation would also ensure that anyone who exploits a senior will not reap the reward of their inheritance, and discourages abuse by setting up stronger sentencing guidelines.

Barcia noted the case of Bad Axe native William Pickering, who was in his 70’s and suffering from Alzheimer’s Disease when he was exploited by a Florida woman who took control of his finances and stole almost \$300,000 from him. The woman, Pearl Westmoreland, was eventually convicted in Florida of three felonies, including one count of exploitation of an elderly adult in an amount exceeding \$100,000. Mr. Pickering died a month before Westmoreland was arrested at the age of 78.

“People like William Pickering deserve dignity and support as they age,” said Barcia. “Hopefully, these tougher penalties will discourage those who prey on the elderly.”

Highlights of the legislation include:

- Allows the testimony of a vulnerable adult to be presented by videotape or closed circuit television to accommodate physical limitations. This creates a special witness protection statute for the elderly and other vulnerable adults who may be too fearful or frail to testify in front of their abusers.

- Requires the forfeiture of an inheritance by individuals who abuse, neglect, or steal from a vulnerable adult.
- Increases penalties for the crime of financial exploitation of vulnerable adults based on the dollar amount involved, in some cases doubling them.
- Provides for consecutive sentences for crimes against vulnerable adults, and increases penalties when a death occurs in an unlicensed care facility, or for obstructing an investigation at an adult care facility.

In Michigan, it is estimated that at least 73,000 older adults are victims of elder abuse. That includes physical abuse, emotional abuse and neglect as well as the financial exploitation and theft of resources that can financially and emotionally devastate those persons who have no ability to recoup their losses. Governor Granholm created the Michigan Task Force on Elder Abuse on May 25, 2005 and this package addresses many of the concerns and suggestions that arose during that process. To view the Task Force's Final Report, visit <http://www.ihcs.msu.edu/elder/>.

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