



HOUSE BILL 699: Elder Abuse & Neglect/Increase Punishment.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 11, 2021
Introduced by:	Reps. Pickett, Everitt, Setzer, Cooper-Suggs	Prepared by:	Hillary Woodard and Susan Sitze
Analysis of:	First Edition		Staff Attorneys

OVERVIEW: House Bill 699 would increase punishments for offenses involving the domestic abuse or neglect of a disabled or elder adult.

CURRENT LAW AND BILL ANALYSIS: G.S. 14-32.3 creates offenses for the domestic abuse and neglect of a disabled or elder adult.

- Domestic abuse occurs if a caretaker assaults, fails to provide medical or hygienic care, or confines or restrains the disabled or elder adult in a place or under a condition that is cruel or unsafe, and, as a result, the disabled or elder adult suffers mental or physical injury. If serious injury occurs, it is a Class F felony. If non-serious injury occurs, it is a Class H felony.
- Neglect occurs if a caretaker fails to provide medical or hygienic care or confines or restrains the disabled or elder adult in a place or under a condition that is unsafe, and as a result of the act or failure to act, the disabled or elder adult suffers mental or physical injury. If serious injury occurs, it is a Class G felony. If non-serious injury occurs, it is a Class I felony.

House Bill 699 would increase the penalties as follows:

- Domestic abuse that causes serious injury would be a Class E felony. If non-serious injury occurs, it would be a Class G felony.
- Neglect that causes serious injury would be a Class F felony. If non-serious injury occurs, it would be a Class H felony.

EFFECTIVE DATE: The act would become effective December 1, 2021 and applies to offenses committed on or after that date.

BACKGROUND: The punishment ranges are as follows:

Class E felony – punishable by an absolute minimum of 15 months intermediate punishment and an absolute maximum of 88 months active punishment, depending on prior record level.

Class F felony – punishable by an absolute minimum of 10 months intermediate punishment and an absolute maximum of 59 months active punishment, depending on prior record level.

Class G felony – punishable by an absolute minimum of 8 months intermediate punishment and an absolute maximum of 47 months active punishment, depending on prior record level.

Class H felony – punishable by an absolute minimum of 3 months community punishment and an absolute maximum of 39 months active punishment, depending on prior record level.

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Class I felony – punishable by an absolute minimum of 3 months community punishment and an absolute maximum of 25 months active punishment, depending on prior record level.