

AN ACT in relation to elderly and disabled persons.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

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

(755 ILCS 5/2-6.2 new)

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

(a) In this Section:

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

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

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

(b) Persons convicted of financial exploitation, abuse,
or neglect of an elderly person or a person with a disability
shall not receive any property, benefit, or other interest by
reason of the death of that elderly person or person with a
disability, whether as heir, legatee, beneficiary, survivor,
appointee, or in any other capacity and whether the property,
benefit, or other interest passes pursuant to any form of
title registration, testamentary or nontestamentary
instrument, intestacy, renunciation, or any other
circumstance. The property, benefit, or other interest shall
pass as if the person convicted of the financial
exploitation, abuse, or neglect died before the decedent,
provided that with respect to joint tenancy property the
interest possessed prior to the death by the person convicted
of the financial exploitation, abuse, or neglect shall not be
diminished by the application of this Section.

Notwithstanding the foregoing, a person convicted of financial exploitation, abuse, or neglect of an elderly person or a person with a disability shall be entitled to receive property, a benefit, or an interest in any capacity and under any circumstances described in this subsection (b) if it is demonstrated by clear and convincing evidence that the victim of that offense knew of the conviction and subsequent to the conviction expressed or ratified his or her intent to transfer the property, benefit, or interest to the person convicted of financial exploitation, abuse, or neglect of an elderly person or a person with a disability in any manner contemplated by this subsection (b).

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

(2) If the holder is a financial institution, trust company, trustee, or similar entity or person, the holder shall not be liable for any distribution or release of the property, benefit, or other interest to the person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 unless the holder knowingly distributes or releases the property, benefit, or other interest to the person so convicted after first having received actual written notice of the conviction in sufficient time to act upon the notice.

(d) If the holder of any property subject to the provisions of this Section knows that a potential beneficiary has been convicted of financial exploitation, abuse, or neglect of an elderly person or a person with a disability within the scope of this Section, the holder shall fully cooperate with law enforcement authorities and judicial

officers in connection with any investigation of the financial exploitation, abuse, or neglect. If the holder is a person or entity that is subject to regulation by a regulatory agency pursuant to the laws of this or any other state or pursuant to the laws of the United States, including but not limited to the business of a financial institution, corporate fiduciary, or insurance company, then such person or entity shall not be deemed to be in violation of this Section to the extent that privacy laws and regulations applicable to such person or entity prevent it from voluntarily providing law enforcement authorities or judicial officers with information.