

# LOCAL & STATE

B

THURSDAY, DECEMBER 8, 2005  
CONCORD MONITOR  
concordmonitor.com

## Bill could stiffen elder fraud laws

Abuse against the old  
is rising, experts say

By MEG HECKMAN  
Monitor staff

Defrauding or abusing the elderly and disabled could soon mean more time behind bars.

Lawmakers are considering a bill that would stiffen penalties for crimes against people whose age or disability keeps them from defending themselves. The legislation is the latest effort to prevent elder abuse and dissuade con artists from preying on seniors' checkbooks.

Lawyers and probate judges have seen an increase in the number of elderly victims in recent years, and they predict the trend will continue as the population ages. People whose reasoning

**BETWEEN 30 AND 50 PERCENT** of fraud cases involve victims over 65. For signs that an elderly person might be at risk, turn to **B5**.

skills have been reduced by age or disability are more vulnerable to telephone scams, fake lotteries and identity theft. Anyone who must entrust their finances to a friend or relative is also at risk.

"We're seeing cases involving not only the scam artists but also family members and other trusted caregivers," said David Eby, a lawyer with Devine Millimet and Branch. "Those are really the

See **ELDERLY - B5**

## ELDERLY Continued from B1

most egregious cases and, unfortunately, the most common cases."

The Senate Judiciary Committee endorsed the bill yesterday, and the full Senate will consider it next year.

The stiffer penalty, an additional 1 to 15 years depending on the crime, would only apply to cases where a victim's age or disability makes him or her more vulnerable.

"What we're trying to get at is that you're targeting the disability or the age of the person," said Sen. Joseph Foster, a Nashua Democrat and committee chairman. "There are some 65-year-olds who are pretty darn spry and pretty darn sharp."

Crimes against the elderly, especially ones involving money, are difficult to prevent.

Many of the steps seniors take to protect their assets, such as granting a relative or close friend power of attorney, can backfire when greed and family tensions get involved.

"You see the same types of problems," Eby said. "Most of these cases involve individuals that know the elderly person well, that develop a strong relationship with the elderly person, where there is a friendship or trust between them."

New Hampshire law already includes stiffer penalties for violent felonies against elderly or disabled people.

The bill would add misde-

### SIGNS THAT AN ELDERLY PERSON MIGHT BE AT RISK:

- Neighbors, relatives and paid caregivers have regular access to bank statements, checkbooks and credit card information.
- Wills and other estate planning documents change frequently. This could indicate relatives are squabbling over assets.
- The person talks about a "great deal" they got in the mail or the possibility of receiving a large sum of money from someone who called.

meanors, fraud and theft. A felony typically carries a sentence of 7½ to 15 years, but if a the victim is over 65 or disabled, a judge could decide to increase that to 10 to 30 years.

A person guilty of a misdemeanor usually goes to jail for up to 12 months, but under the new bill, the sentence could be 2 to 5 years.