



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Announces Senate Passes Bill to Crackdown on Elder Abuse

JIM RANNEY June 14, 2017

| ISSUE: **ELDER ABUSE**



Senator Patrick M. Gallivan (R-C-I, Elma) announces the Senate has passed a bill to make it easier for victims of elder abuse to provide testimony in criminal proceedings against their abuser. The legislation (S2512) would allow elderly witnesses, age 75 or older, to be examined conditionally in order to preserve their testimony for future use.

“Elder abuse, whether physical, psychological or financial, is on the rise as our senior population continues to grow,” Gallivan said. “The state must do all it can to protect its seniors and to hold those who abuse and exploit the elderly accountable for their actions.”

The bill would allow recorded testimony from elderly witnesses to be used as evidence later in a criminal proceeding. Under current law, victims can only be examined conditionally – or record their testimony before a trial begins – if they suffer from a demonstrable physical illness or incapacity. Unfortunately, some victims who appear healthy at the outset of an investigation pass away before the trial begins.

In a case prosecuted a several years ago, a man in his 90’s, said to be in good health at the time, was the victim of theft by his long-time home aide. He passed away after the aide’s arrest but before the case was presented to a Grand Jury. The case was eventually prosecuted, but would have been improvable if the aide had not confessed.

The bill has been sent to the Assembly.

RELATED LEGISLATION

2017-S2512

- Introduced

- ○ In Committee Assembly
 - In Committee Senate

- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to the examination of witnesses

January 13, 2017

In Assembly Committee

Sponsored by **Patrick M. Gallivan**

Do you support this bill?