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ACLU OF RI POSITION: OPPOSE

TESTIMONY IN OPPOSITION TO 21 – S 670, AN ACT RELATING TO CRIMINAL OFFENSES – EXPLOITATION OF ELDERS March 29, 2021

This bill changes the definitional age of an “elder person” from 65 to 60 years of age for purposes of the crime of “exploitation of elders.” The ACLU of Rhode Island opposes this bill because it runs counter to the many justice reinvestment efforts this body has supported in recent years.

First, lowering the age of who is an “elder” makes little sense at a time when (leaving aside the anomaly caused by this past year’s pandemic death rate), the life span of the population has been continuing to increase. It is no exaggeration to say that “70 is the new 60,” and reducing the age at which the General Assembly thinks people need to be protected from exploitation defies that fact and inappropriately treats all 60-year-olds as a particularly vulnerable group susceptible to exploitation. This somewhat ageist view is simply not the case and should be rejected.

But our real concern is grounded in the practical effects of such a change in the definition. This statute carries extraordinarily harsh criminal penalties. A person who exploits an “elder person” for *as little as \$20 faces a five-year prison sentence*. A person who exploits an “elder person” for \$501 faces a *15-year prison sentence*. See R.I.G.L. 11-68-3. By comparison, under the state’s regular larceny statutes, that same person who otherwise stole property up to \$1,500 would be guilty of a misdemeanor, and engaging in larceny for up to \$10,000 would subject the person to a maximum six years in prison.

It is important to emphasize that the crime of “exploiting the elder” has no requirement of vulnerability or helplessness; it is simply the age of the person that prompts these draconian penalties. Because we believe that the law as it stands now is overly punitive, we oppose making it even harsher. We therefore urge rejection of this bill.

Thank you for considering our views.