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# Elder abuse law creates new crime

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A bill authored by Assemblyman Joe Simitian, D-Palo Alto, that enhances efforts to combat elder abuse was signed into law yesterday by Gov. Gray Davis.

Assembly Bill 2140 essentially creates a new crime - battery on an elder or dependent adult, Simitian said. The new law mandates that a maximum fine of $2,000 and/or up to a year in county jail be sentenced to anyone who is convicted of battery of an elder, which puts the crime on the same level as battery of a peace officer or spouse. It doubles the penalty for what previously existed, Simitian said.

"The bill is designed to do two things – it deals with a conventional battery where someone is struck who is either a senior or a dependent adult and it increases the penalty for unreasonable pain and mental suffering," he said.

Additionally, for someone responsible for the care of a senior or dependent adult who inflicts or is accountable for unreasonable pain, the sentence is a maximum of six months for the first offense and up to a year for a second offense. Simitian said he would have liked to have seen a year sentence for a first offense, but the sentence was amended in Senate public Safety and Justice Committee.

**Joe Simitian**

"One of the goals of this legislation is to give law enforcement, prosecutors and health care professionals a tool to say this is serious behavior," Simitian said. consider insignificant. My hope is that tougher penalties will send a message to people that this is a serious crime and it won't be tolerated."

District Attorney James Fox said that the new law adds extra accountability for people who have to care for the elderly and dependent adults. While the law won't make the district attorney or prosecutors' jobs easier, Fox said, it does give the court a broader range of penalties.

"As a prosecutor I firmly believe in increased sanctions,' Fox said. 'If you [are convicted of a crime] once, you shouldn't be subjected to the same penalty. If you do it again, you should suffer a stiffer penalty"