

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 397

Short Title: Clarify Protections/Exploitation of Elders. (Public)

Sponsors: Representatives Glazier, Reives, Stam, and Faircloth (Primary Sponsors).  
*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Judiciary II.

March 31, 2015

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT UPON CONVICTION FOR EXPLOITATION OF AN  
OLDER ADULT OR DISABLED ADULT, ANY SEIZED ASSETS SHALL BE USED  
TO SATISFY THE DEFENDANT'S RESTITUTION OBLIGATION AS ORDERED BY  
THE COURT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-112.3(e) reads as rewritten:

**"§ 14-112.3. Asset freeze or seizure; proceeding.**

...

(e) If the prosecution of the charge under G.S. 14-112.2 is terminated by voluntary dismissal by the State or if a judgment of acquittal is entered, the court shall vacate the order to freeze or seize the assets. Upon conviction of the defendant, any seized assets shall be used to satisfy the defendant's restitution obligation as ordered by the court, accounting for costs incident to seizure, including costs of sale. Any excess assets shall be returned to the defendant.

**SECTION 2.** This act is effective when it becomes law.

