

§5606. Violations

1. Reportable events. Any alleged violation of the rights of a person receiving services must be reported immediately to the advocacy agency designated pursuant to Title 5, section 19502, referred to in this subsection as "the agency," and to the Attorney General's office.

A. The agency shall investigate each alleged violation pursuant to section 5005-A. [PL 2013, c. 310, §8 (AMD).]

B. The agency may independently pursue a complaint or may pursue administrative, legal and other appropriate remedies on behalf of an individual with intellectual disabilities or autism. The agency may refuse to take action on any alleged violation that it considers to be trivial, to be moot or to lack merit or for which there is clearly another remedy available or may refer an individual who is the subject of an alleged violation to another agency or entity and collaborate with that agency or entity for the purpose of advocating for the rights and dignity of that individual. [PL 2013, c. 310, §8 (AMD).]

[PL 2013, c. 310, §8 (AMD).]

2. Civil liability. Any person who violates or abuses any rights or privileges of persons receiving services granted by this subchapter is liable for damages as determined by law.

A. Civil damages may be awarded for negligent or intentional violations of this subchapter. [PL 1983, c. 459, §7 (NEW).]

B. Good-faith compliance with the provisions of this subchapter in connection with evaluation, admission, habilitation programming, education, treatment or discharge of a person receiving services is a defense to a civil action under this subchapter. [PL 1993, c. 326, §10 (AMD).]

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3. Prohibited acts; penalty; defense. A person is guilty of violation of the rights of a person with an intellectual disability or autism who is receiving services if that person intentionally violates or abuses any rights or privileges of persons receiving services granted by this subchapter.

A. Violation of the rights of a person with an intellectual disability or autism who is receiving services is a Class E crime. [PL 2011, c. 542, Pt. A, §130 (AMD).]

B. Good-faith compliance with the provisions of this subchapter in connection with evaluation, admission, habilitation programming, education, treatment or discharge of a person receiving services is a defense to prosecution under this subchapter. [PL 1993, c. 326, §10 (AMD).]

[PL 2011, c. 542, Pt. A, §130 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §7 (NEW). PL 1993, c. 326, §10 (AMD). PL 2005, c. 457, §OO3 (AMD). PL 2005, c. 457, §OO5 (AFF). PL 2005, c. 519, §RR3 (AMD). PL 2005, c. 519, §RR4 (AFF). PL 2007, c. 356, §26 (AMD). PL 2007, c. 356, §31 (AFF). PL 2011, c. 542, Pt. A, §130 (AMD). PL 2011, c. 657, Pt. EE, §11 (AMD). PL 2013, c. 310, §8 (AMD). PL 2021, c. 284, Pt. A, §3 (AMD).

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