



HOUSE BILL No. 5496

March 8, 2000, Introduced by Rep. Koetje and referred to the Committee on Family and Civil Law.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145n (MCL 750.145n), as added by 1994 PA 149.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 145n. (1) A caregiver is guilty of vulnerable adult
2 abuse in the first degree if the caregiver intentionally causes
3 serious physical harm or serious mental harm to a vulnerable
4 adult. Vulnerable adult abuse in the first degree is a felony
5 punishable by imprisonment for not more than 15 years or a fine
6 of not more than \$10,000.00, or both.

7 (2) A caregiver or other person with authority over the vul-
8 nerable adult is guilty of vulnerable adult abuse in the second
9 degree if the reckless act or reckless failure to act of the
10 caregiver or other person with authority over the vulnerable

1 adult causes serious physical harm or serious mental harm to a
2 vulnerable adult. Vulnerable adult abuse in the second degree is
3 a felony punishable by imprisonment for not more than 4 years or
4 a fine of not more than \$5,000.00, or both.

5 (3) A caregiver is guilty of vulnerable adult abuse in the
6 third degree if the caregiver intentionally causes physical harm
7 to a vulnerable adult. Vulnerable adult abuse in the third
8 degree is a misdemeanor punishable by imprisonment for not more
9 than 2 years or a fine of not more than \$2,500.00, or both.

10 (4) A caregiver or other person with authority over the vul-
11 nerable adult is guilty of vulnerable adult abuse in the fourth
12 degree if the reckless act or reckless failure to act of the
13 caregiver or other person with authority over a vulnerable adult
14 causes physical harm to a vulnerable adult. Vulnerable adult
15 abuse in the fourth degree is a misdemeanor punishable by impris-
16 onment for not more than 1 year or a fine of not more than
17 \$1,000.00, or both.

18 (5) This section does not prohibit a caregiver or other
19 person with authority over a vulnerable adult from taking reason-
20 able action to prevent a vulnerable adult from being harmed or
21 from harming others.

22 (6) This section does not apply to an act or failure to act
23 that is carried out ~~pursuant to a durable power of attorney for~~
24 ~~health care executed in accordance with section 496 of the~~
25 ~~revised probate code, Act No. 642 of the Public Acts of 1978,~~
26 ~~being section 700.496 of the Michigan Compiled Laws~~ AS DIRECTED
27 BY A PATIENT ADVOCATE UNDER A PATIENT ADVOCATE DESIGNATION

1 EXECUTED IN ACCORDANCE WITH SECTIONS 5506 TO 5512 OF THE ESTATES
2 AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5506 TO
3 700.5512.

4 Enacting section 1. This amendatory act takes effect April
5 1, 2000.