

SENATE BILL NO. 691

September 21, 1999, Introduced by Senators V. SMITH and YOUNG and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 411r.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411R. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), AN
2 INDIVIDUAL WHO COMMITS OR ATTEMPTS TO COMMIT A VIOLENT FELONY IN
3 WHICH THE VICTIM IS A SENIOR CITIZEN IS GUILTY OF A FELONY PUN-
4 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 3 YEARS.

5 (2) AN INDIVIDUAL WHO COMMITS OR ATTEMPTS TO COMMIT A FELONY
6 DESCRIBED IN SUBSECTION (1) IN THE SENIOR CITIZEN'S HOME IS
7 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5
8 YEARS.

9 (3) IT IS NOT A DEFENSE TO A CONVICTION UNDER THIS SECTION
10 THAT THE DEFENDANT DID NOT KNOW THE VICTIM WAS A SENIOR CITIZEN.

1 (4) AN INDIVIDUAL MAY BE CHARGED WITH AND CONVICTED OF A
2 VIOLATION OF THIS SECTION IN ADDITION TO ANY CHARGE OR CONVICTION
3 FOR THE UNDERLYING VIOLENT FELONY OR ATTEMPT TO COMMIT A VIOLENT
4 FELONY. A TERM OF IMPRISONMENT IMPOSED FOR A VIOLATION OF THIS
5 SECTION SHALL BE SERVED CONSECUTIVELY WITH AND PRECEDING ANY TERM
6 OF IMPRISONMENT IMPOSED FOR A CONVICTION OF THE UNDERLYING VIO-
7 LENT FELONY OR ATTEMPT.

8 (5) AS USED IN THIS SECTION:

9 (A) "SENIOR CITIZEN" MEANS AN INDIVIDUAL WHO IS 60 YEARS OF
10 AGE OR OLDER.

11 (B) "VICTIM" MEANS AN INDIVIDUAL WHO SUFFERS DIRECT OR
12 THREATENED PHYSICAL, FINANCIAL, OR EMOTIONAL HARM AS A RESULT OF
13 THE COMMISSION OF A CRIME.

14 (C) "VIOLENT FELONY" MEANS A FELONY OFFENSE IN WHICH AN ELE-
15 MENT IS THE USE, ATTEMPTED USE, OR THREATENED USE OF PHYSICAL
16 FORCE AGAINST A PERSON OR THE PROPERTY OF ANOTHER PERSON OR THAT
17 BY ITS NATURE INVOLVES A SUBSTANTIAL RISK THAT PHYSICAL FORCE
18 AGAINST A PERSON OR THE PROPERTY OF ANOTHER PERSON MAY BE USED IN
19 THE COURSE OF COMMITTING THE OFFENSE.

20 (6) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE
21 "ROSA PARKS SENIOR CITIZEN VIOLENT CRIME PROTECTION ACT".