

# HOUSE BILL No. 5028

September 27, 2017, Introduced by Reps. Farrington, Green, Schor, Sabo, Peterson, Yanez, Brann, Sowerby, Hughes, Lucido, Pagan, Maturen, Wittenberg, Ellison, Noble, Liberati, Chang, Yaroch, Lasinski, Geiss, Camilleri, Kesto and Jones and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by amending the heading of chapter XXA and  
by adding section 145s.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER XXA

VULNERABLE ADULTS **AND ELDER ADULTS**

**SEC. 145S. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A  
PERSON WHO ASSAULTS ANOTHER PERSON THAT HE OR SHE KNOWS OR  
REASONABLY SHOULD KNOW IS AN ELDER ADULT OR VULNERABLE ADULT IS  
GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
THAN 1 YEAR OR A FINE OF UP TO \$1,000.00, OR BOTH.**

**(2) IF A VIOLATION OF SUBSECTION (1) CAUSES PHYSICAL INJURY,**

1 PAIN, OR MENTAL SUFFERING, THE PERSON IS GUILTY OF A FELONY  
2 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF  
3 NOT MORE THAN \$5,000.00, OR BOTH.

4 (3) IF A VIOLATION OF SUBSECTION (1) CAUSES SERIOUS IMPAIRMENT  
5 OF A BODY FUNCTION, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY  
6 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN  
7 \$10,000.00, OR BOTH.

8 (4) IF A VIOLATION OF SUBSECTION (1) CAUSES THE DEATH OF THE  
9 OTHER PERSON, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY  
10 IMPRISONMENT FOR NOT MORE THAN 25 YEARS OR A FINE OF NOT MORE THAN  
11 \$25,000.00, OR BOTH.

12 (5) A PERSON WHO RESTRAINS AN ELDER ADULT OR A VULNERABLE  
13 ADULT BY THE USE OF VIOLENCE, MENACE, FRAUD, OR DECEIT IS GUILTY OF  
14 A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A  
15 FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

16 (6) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED  
17 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW  
18 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS  
19 SECTION.

20 (7) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A  
21 VIOLATION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF  
22 IMPRISONMENT IMPOSED FOR ANY OTHER CRIME, INCLUDING ANY OTHER  
23 VIOLATION OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE  
24 VIOLATION OF THIS SECTION.

25 (8) AS USED IN THIS SECTION:

26 (A) "ELDER ADULT" MEANS A PERSON WHO IS 65 YEARS OF AGE OR  
27 OLDER.

1           (B) "RESTRAINS" MEANS TO RESTRICT A PERSON'S MOVEMENTS OR TO  
2 CONFINE THE PERSON SO AS TO INTERFERE WITH THAT PERSON'S LIBERTY  
3 WITHOUT THAT PERSON'S CONSENT OR WITHOUT LEGAL AUTHORITY. THE  
4 RESTRAINT DOES NOT HAVE TO EXIST FOR ANY PARTICULAR LENGTH OF TIME  
5 AND MAY BE RELATED OR INCIDENTAL TO THE COMMISSION OF OTHER  
6 CRIMINAL ACTS.

7           (C) "SERIOUS IMPAIRMENT OF A BODY FUNCTION" MEANS THAT TERM AS  
8 DEFINED IN SECTION 58C OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,  
9 MCL 257.58C.

10           (9) IF A LOCAL AREA AGENCY ON AGING BECOMES AWARE OF A  
11 VIOLATION OF THIS SECTION, THE LOCAL AREA AGENCY ON AGING SHALL  
12 PROMPTLY REPORT THE VIOLATION TO THE DEPARTMENT OF HEALTH AND HUMAN  
13 SERVICES.

14           Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.

16           Enacting section 2. This amendatory act does not take effect  
17 unless Senate Bill No. \_\_\_\_ or House Bill No. 5032 (request no.  
18 00800'17 \*) of the 99th Legislature is enacted into law.