

HOUSE BILL NO. 4254

February 26, 2019, Introduced by Reps. Wozniak, Anthony, Guerra, Pagan, Bolden, Hope, Markkanen, Elder, Manoogian, Liberati, Shannon, Ellison, Clemente, Gay-Dagnogo, Crawford, Sabo, Sneller, Yancey, Kuppa, Hood, Sowerby, Stone, Cynthia Johnson, Farrington, Vaupel, Whitsett, Calley, Lasinski, Filler, Cherry, Yaroch and Coleman and referred to the Committee on Families, Children, and Seniors.

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:

1 CHAPTER XXA
2 VULNERABLE ADULTS AND ELDER ADULTS
3 Sec. 145s. (1) Except as otherwise provided in this section, a
4 person who assaults another person that he or she knows or



1 reasonably should know is an elder adult or vulnerable adult is
2 guilty of a misdemeanor punishable by imprisonment for not more
3 than 1 year or a fine of up to \$1,000.00, or both.

4 (2) If a violation of subsection (1) causes physical injury,
5 pain, or mental suffering, the person is guilty of a felony
6 punishable by imprisonment for not more than 4 years or a fine of
7 not more than \$5,000.00, or both.

8 (3) If a violation of subsection (1) causes serious impairment
9 of a body function, the person is guilty of a felony punishable by
10 imprisonment for not more than 15 years or a fine of not more than
11 \$10,000.00, or both.

12 (4) If a violation of subsection (1) causes the death of the
13 other person, the person is guilty of a felony punishable by
14 imprisonment for not more than 25 years or a fine of not more than
15 \$25,000.00, or both.

16 (5) A person who restrains an elder adult or a vulnerable
17 adult by the use of violence, menace, fraud, or deceit is guilty of
18 a felony punishable by imprisonment for not more than 4 years or a
19 fine of not more than \$5,000.00, or both.

20 (6) This section does not prohibit a person from being charged
21 with, convicted of, or punished for any other violation of law
22 arising out of the same transaction as the violation of this
23 section.

24 (7) The court may order a term of imprisonment imposed for a
25 violation of this section to be served consecutively to a term of
26 imprisonment imposed for any other crime, including any other
27 violation of law arising out of the same transaction as the
28 violation of this section.

29 (8) As used in this section:



1 (a) "Elder adult" means a person who is 65 years of age or
2 older.

3 (b) "Restrains" means to restrict a person's movements or to
4 confine the person so as to interfere with that person's liberty
5 without that person's consent or without legal authority. The
6 restraint does not have to exist for any particular length of time
7 and may be related or incidental to the commission of other
8 criminal acts.

9 (c) "Serious impairment of a body function" means that term as
10 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
11 MCL 257.58c.

12 (9) If a local area agency on aging becomes aware of a
13 violation of this section, the local area agency on aging shall
14 promptly report the violation to the department of health and human
15 services.

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

18 Enacting section 2. This amendatory act does not take effect
19 unless Senate Bill No.____ or House Bill No.____ (request no.
20 00482'19) of the 100th Legislature is enacted into law.

