

SENATE BILL No. 54

February 6, 1991, Introduced by Senator DINGELL and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 411f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 411f to read as follows:

4 SEC. 411F. (1) A PERSON WHO COMMITS 1 OR MORE OF THE FOL-
5 LOWING CRIMES IN WHICH THE VICTIM IS AN ELDERLY OR A HANDICAPPED
6 PERSON IS GUILTY OF A FELONY AND SHALL BE PUNISHED BY IMPRISON-
7 MENT FOR 2 YEARS:

8 (A) A CRIME INVOLVING AN ASSAULT.

1 (B) CRIMINAL SEXUAL CONDUCT, IN VIOLATION OF SECTION 520B,
2 520C, 520D, OR 520E.

3 (C) BREAKING AND ENTERING, ENTERING WITHOUT BREAKING, OR
4 BURGLARY WITH EXPLOSIVES, IN VIOLATION OF SECTION 110, 111, OR
5 112.

6 (D) A CRIME INVOLVING INTENTIONAL DAMAGE TO OR DESTRUCTION
7 OF PROPERTY WITH A VALUE OF MORE THAN \$500.00.

8 (E) A CRIME INVOLVING LARCENY OF PROPERTY OR MONEY WITH A
9 VALUE OF MORE THAN \$500.00.

10 (F) A CRIME INVOLVING AN ELEMENT OF INTENT TO DEFRAUD OR
11 CHEAT THE VICTIM IN WHICH THE PROPERTY OR MONEY THE PERSON
12 OBTAINS OR ATTEMPTS TO OBTAIN HAS A VALUE OF MORE THAN \$500.00.

13 (2) A PERSON MAY BE CHARGED WITH AND CONVICTED OF A VIOLA-
14 TION OF SUBSECTION (1) IN ADDITION TO ANY CHARGE OR CONVICTION
15 FOR THE UNDERLYING CRIME DESCRIBED IN SUBSECTION (1)(A) TO (F).
16 THE TERM OF IMPRISONMENT PRESCRIBED BY THIS SECTION SHALL BE
17 SERVED CONSECUTIVELY WITH AND PRECEDING ANY TERM OF IMPRISONMENT
18 IMPOSED FOR A CONVICTION OF THE UNDERLYING CRIME DESCRIBED IN
19 SUBSECTION (1)(A) TO (F) OR A CRIME ARISING OUT OF THE SAME
20 TRANSACTION OR OCCURRENCE AS THE UNDERLYING CRIME DESCRIBED IN
21 SUBSECTION (1)(A) TO (F).

22 (3) THE MANDATORY TERM OF IMPRISONMENT IMPOSED FOR A VIOLA-
23 TION OF THIS SECTION SHALL NOT BE SUSPENDED. A PERSON SENTENCED
24 FOR A VIOLATION OF THIS SECTION SHALL NOT BE ELIGIBLE FOR PAROLE
25 OR PROBATION DURING THE MANDATORY TERM OF IMPRISONMENT.

26 (4) AS USED IN THIS SECTION:

1 (A) "ASSAULT" MEANS AN ATTEMPT TO COMMIT A BATTERY UPON
2 ANOTHER PERSON, OR AN UNLAWFUL ACT THAT CAUSES ANOTHER PERSON
3 REASONABLY TO FEAR OR APPREHEND AN IMMEDIATE BATTERY, COMMITTED
4 WITH AN INTENT TO INJURE OR AN INTENT TO PUT THE OTHER PERSON IN
5 REASONABLE FEAR OR APPREHENSION OF AN IMMEDIATE BATTERY.

6 (B) "BATTERY" MEANS A FORCEFUL OR VIOLENT TOUCHING, BY A
7 PERSON OR SOME SUBSTANCE OR OBJECT PUT IN MOTION BY THE PERSON,
8 OF ANOTHER PERSON OR SOMETHING CLOSELY CONNECTED WITH THE OTHER
9 PERSON.

10 (C) "ELDERLY PERSON" MEANS AN INDIVIDUAL WHO IS 60 YEARS OF
11 AGE OR OLDER.

12 (D) "HANDICAPPED PERSON" MEANS AN INDIVIDUAL WHO HAS A PHYS-
13 ICAL CHARACTERISTIC OR CONDITION THAT SUBSTANTIALLY IMPAIRS OR
14 HINDERS THE INDIVIDUAL, INCLUDING BUT NOT LIMITED TO:

15 (i) A CHARACTERISTIC OR CONDITION THAT NECESSITATES THE USE
16 OF A LEG BRACE, CRUTCH, OR OTHER ARTIFICIAL SUPPORT.

17 (ii) A CHARACTERISTIC OR CONDITION THAT REQUIRES CONFINEMENT
18 TO A WHEELCHAIR.

19 (iii) THE ABSENCE OF A LIMB.

20 (iv) A TOTAL OR PARTIAL IMPAIRMENT OF SIGHT THAT NECESSI-
21 TATES THE USE OF A GUIDE DOG OR OTHER GUIDING DEVICE.

22 (E) "VICTIM" MEANS AN INDIVIDUAL WHO SUFFERS DIRECT OR
23 THREATENED PHYSICAL, FINANCIAL, OR EMOTIONAL HARM AS A RESULT OF
24 THE COMMISSION OF A CRIME.