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OLDER & DISABLED VICTIMS FUND

House Bill 4278

Sponsor: Rep. Clyde LeTarte

Committee: Senior Citizens and
Veterans' Affairs

Complete to 2-3-95

A SUMMARY OF HOUSE BILL 4278 AS INTRODUCED 2-1-95

House Bill 4278 would amend the Consumer Protection Act to allow -- in addition to any other penalty or remedy provided under the act -- the imposition of a civil fine of up to \$10,000 for a deceptive act against an older or disabled person. The bill would also require the Office of Services to the Aging to implement a consumer education program on the prevalence of such crimes, and would establish an Older and Disabled Victims Fund. (Under the bill, an "older person" would be defined as someone 60 years of age or older, and a "disabled person" would mean a person with a disability, as defined under the Social Security Act.)

Violations. The following, and any other factors the court deemed appropriate, would be taken into consideration in determining whether to impose a fine:

- *Whether the violator's conduct disregarded the rights of an older or disabled person.
- *Whether the violator knew, or should have known, that the conduct was directed to an older or disabled person.
- *Whether age, poor health, infirmity, impaired understanding, restricted mobility, or disability made the victim more vulnerable to the violator's conduct than other persons, and whether the victim actually suffered substantial physical, emotional, or economic damage resulting from the conduct.
- *Whether the violator's conduct caused an older or disabled person to suffer mental or emotional anguish; loss of or encumbrance upon a primary residence; loss of or encumbrance upon principal employment or source of income; loss of pension, retirement plan, or government benefits funds; or loss of property set aside for retirement, personal, or family care and maintenance.
- *Whether the older or disabled person lost assets essential to the person's health and welfare .

Consumer Education Program. Under the bill, the Office of Services to the Aging would be required to develop and implement a statewide educational program to inform older or disabled persons, law enforcement agencies, the judicial system, social services professionals and the general public of the prevalence and prevention of consumer crimes

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professionals and the general public of the prevalence and prevention of consumer crimes against older and disabled persons, and of the provisions of the act, including the penalties imposed for violations, and the remedies available for victims. The office would expend money from the Older and Disabled Victims Fund to implement the consumer education program.

Older and Disabled Victims Fund. Fines collected under the provisions of the bill, and money or assets from other sources, including the interest and earnings from fund investments, would be credited to the fund. Money in the fund at the close of the fiscal year would remain there and would not lapse to the general fund. An annual accounting would be presented to the Office of Services to the Aging by the state treasurer.

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