

**SUBSTITUTE FOR  
SENATE BILL NO. 378**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 174a.

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

1        SEC. 174A. (1) A PERSON IN A RELATIONSHIP OF TRUST WITH A  
2 VULNERABLE ADULT SHALL NOT KNOWINGLY OBTAIN OR USE OR ATTEMPT TO  
3 OBTAIN OR USE THE VULNERABLE ADULT'S MONEY OR PROPERTY FOR THE  
4 BENEFIT OF ANY PERSON OTHER THAN THE VULNERABLE ADULT AND WITH  
5 THE INTENT TO TEMPORARILY OR PERMANENTLY DEPRIVE THE VULNERABLE  
6 ADULT OF THE USE, BENEFIT, OR POSSESSION OF THAT MONEY OR  
7 PROPERTY.

8        (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A  
9 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A  
10 FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

**SB 378, As Passed Senate, November 3, 1999**

Senate Bill No. 378 as amended November 2, 1999

2

1       (3) SUBSECTION (1) DOES NOT APPLY TO A FINANCIAL  
2 INSTITUTION, OR TO A DIRECTOR, OFFICER, EMPLOYEE, OR AGENT OF A  
3 FINANCIAL INSTITUTION UNLESS THE DIRECTOR, OFFICER, EMPLOYEE, OR  
4 AGENT IS ACTING OUTSIDE HIS OR HER NORMAL COURSE OF RELATIONSHIP  
5 WITH THE FINANCIAL INSTITUTION.

6       (4) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING  
7 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION  
8 OF LAW THE PERSON COMMITS WHILE VIOLATING THIS SECTION.

9       (5) AS USED IN THIS SECTION:

10       (A) "FINANCIAL INSTITUTION" MEANS A BANK, CREDIT UNION,  
11 SAVING BANK, OR A SAVINGS AND LOAN CHARTERED UNDER STATE OR FED-  
12 ERAL LAW OR AN AFFILIATE OF A BANK, CREDIT UNION, SAVING BANK, OR  
13 SAVINGS AND LOAN CHARTERED UNDER STATE OR FEDERAL LAW.

14       (B) "PERSON IN A RELATIONSHIP OF TRUST" MEANS A PERSON, TO  
15 WHOM BOTH OF THE FOLLOWING APPLY:

16       (i) THE PERSON IS A CAREGIVER, RELATIVE BY BLOOD, MARRIAGE,  
17 OR ADOPTION, HOUSEHOLD MEMBER, OR OTHER PERSON WHO IS ENTRUSTED  
18 WITH OR HAS ASSUMED RESPONSIBILITY FOR THE USE OR MANAGEMENT OF THE  
19 VULNERABLE ADULT'S MONEY OR PROPERTY.

20       (ii) THE PERSON HAS A RELATIONSHIP WITH THE VULNERABLE ADULT  
21 BASED UPON THE VULNERABLE ADULT'S TRUST AND CONFIDENCE, REGARD-  
22 LESS OF THE REASONABLENESS OF THE VULNERABLE ADULT'S EXPECTATIONS  
23 OR THE EXISTENCE OF A FORMAL AGREEMENT OR COURT ORDER, SUCH THAT  
24 THE PERSON IS IN EQUITY AND GOOD CONSCIENCE BOUND TO ACT IN GOOD  
25 FAITH AND WITH DUE REGARD FOR THE VULNERABLE ADULT'S INTERESTS.

26       (C) "VULNERABLE ADULT" MEANS AN INDIVIDUAL AGE 18 OR OVER  
27 WHO, BECAUSE OF AGE, DEVELOPMENTAL DISABILITY, MENTAL ILLNESS, OR

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3

1 DISABILITY, WHETHER OR NOT DETERMINED BY A COURT TO BE AN  
INCAPACITATED INDIVIDUAL OF PROTECTION, REQUIRES SUPERVISION OR  
PERSONAL CARE AND LACKS THE  
2 PERSONAL AND COGNITIVE SKILLS REQUIRED TO LIVE INDEPENDENTLY.

3 (6) THE OFFICE OF SERVICES TO THE AGING SHALL PROMPTLY  
4 REPORT VIOLATIONS OF SUBSECTION (1) TO THE FAMILY INDEPENDENCE  
5 AGENCY.

Enacting section 1. This amendatory act takes effect 90 days  
after the date this amendatory act is enacted.