

HOUSE BILL No. 4247

(As amended April 25, 2001)

February 14, 2001, Introduced by Reps. Kowall, Bishop, Raczkowski, Allen, Van Woerkom, Shackleton, Hager, Schermesser, Daniels, Richardville, Vear, Spade, Bernero, Ruth Johnson, Stewart, Julian, Patterson, Tabor, Faunce, Bovin, Rocca, McConico, DeVuyst and Richner and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 506d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 506D. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 ACT, THE COURT MAY ORDER AN INDIVIDUAL CONVICTED OF COMMITTING A
3 VIOLATION OF THIS ACT IN WHICH AN INDIVIDUAL WHO IS A PATIENT OR
4 A RESIDENT OF A NURSING HOME, HOME FOR THE AGED, COUNTY MEDICAL
5 CARE FACILITY, OR ADULT FOSTER CARE FACILITY IS A VICTIM OF THAT
6 VIOLATION TO PAY NOT MORE THAN TWICE THE FINE OTHERWISE AUTHO-
7 RIZED FOR THAT VIOLATION OR TO PAY A FINE AUTHORIZED UNDER SUB-
8 SECTION (2). [FINES DO NOT INCLUDE COURT COSTS OR OTHER
ASSESSMENTS.] AS USED IN THIS SUBSECTION:
9 (A) "ADULT FOSTER CARE FACILITY" MEANS A FACILITY LICENSED
10 UNDER THE ADULT FOSTER CARE FACILITY LICENSING ACT, 1979 PA 218,
11 MCL 400.701 TO 400.737.

1 (B) "COUNTY MEDICAL CARE FACILITY", "HOME FOR THE AGED", AND
2 "NURSING HOME" MEAN A HEALTH FACILITY OR AGENCY LICENSED AS A
3 COUNTY MEDICAL CARE FACILITY, HOME FOR THE AGED, OR NURSING HOME
4 UNDER ARTICLE 17 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
5 333.20101 TO 333.22260.

6 (2) IF THE VIOLATION IS NOT OTHERWISE PUNISHABLE BY A FINE,
7 THE COURT, IN ADDITION TO ANY AUTHORIZED PENALTY, MAY ORDER THE
8 INDIVIDUAL TO PAY A FINE AS FOLLOWS:

9 (A) A FINE OF NOT MORE THAN \$200.00 IF THE VIOLATION IS A
10 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR LESS THAN 6 MONTHS.

11 (B) A FINE OF NOT MORE THAN \$500.00 IF THE VIOLATION IS A
12 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR 6 MONTHS.

13 (C) A FINE OF NOT MORE THAN \$1,000.00 IF THE VIOLATION IS A
14 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR 1 YEAR.

15 (D) A FINE OF NOT MORE THAN \$2,000.00 IF THE VIOLATION IS A
16 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR BUT
17 NOT MORE THAN 2 YEARS OR IF THE VIOLATION IS A FELONY PUNISHABLE
18 BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS.

19 (E) A FINE OF NOT MORE THAN \$4,000.00 IF THE VIOLATION IS A
20 FELONY PUNISHABLE BY IMPRISONMENT FOR MORE THAN 2 YEARS BUT NOT
21 MORE THAN 4 YEARS.

22 (F) A FINE OF NOT MORE THAN \$5,000.00 IF THE VIOLATION IS A
23 FELONY PUNISHABLE BY IMPRISONMENT FOR 5 YEARS.

24 (G) A FINE OF NOT MORE THAN \$10,000.00 IF THE VIOLATION IS A
25 FELONY PUNISHABLE BY IMPRISONMENT FOR MORE THAN 5 YEARS.

1 (3) THIS SECTION APPLIES TO VIOLATIONS OF THIS ACT COMMITTED
2 ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
3 THIS SECTION.