

Fiscal Analysis

CLARIFY "PERSON IN A RELATIONSHIP OF TRUST" WITH A VULNERABLE ADULT



Bill/Sponsor **HOUSE BILL 4260 AS INTRODUCED**, Rep. William VanRegenmorter

House Committee Criminal Justice

Analysis

Summary

The Michigan Penal Code establishes a series of graduated penalties (ranging from 93-day misdemeanor to a ten-year felony, along with associated fines) for someone who is in a relationship of trust with a vulnerable adult and who embezzles or attempts to embezzle from that vulnerable adult. "Person in a relationship of trust" is defined to mean "a caregiver, relative by blood, marriage, or adoption, household member, court-appointed fiduciary, or *other* [emphasis added] person who is entrusted with or has assumed responsibility for the management of the vulnerable adult's money or property." Thus, it could be a matter of dispute whether the law could be held to apply to a caregiver or other person who was not entrusted with or had assumed responsibility for the vulnerable adult's property. The bill would delete "or other" from the definition, thereby clarifying that the law is to apply to both caregivers, etc., and to persons entrusted with the vulnerable adult's property.

Fiscal Impact

To the extent that the bill enabled prosecutors to obtain convictions in cases that otherwise would be stymied, it could increase state or local correctional costs, and increase penal fine revenue going to local libraries (which are the constitutionally-designated recipients of penal fine revenue). However, there are no data on convictions under the statute to be amended by the bill; the most recent year for which felony disposition data is available is 2000, but the section that the bill would amend did not take effect until September 25, 2000.

Analyst(s)

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