

**FELONY MURDER: ADD
VULNERABLE ADULT ABUSE**

House Bill 5104

**Sponsor: Rep. William Van Regenmorter
Committee: Criminal Justice**

Complete to 10-23-03

A SUMMARY OF HOUSE BILL 5104 AS INTRODUCED 10-1-03

Under the Michigan Penal Code's "felony murder" provision, murder committed in the perpetration or attempt of certain listed felonies constitutes first-degree murder, which requires a sentence of life in prison without possibility of parole.

The bill would amend the code to include vulnerable adult abuse under Chapter XXA in the code's felony murder provision.

[Chapter XXA defines "vulnerable adult" as an adult who because of age, developmental disability, mental illness, or physical handicap, requires supervision or personal care, or lacks the personal and social skills required to live independently; an adult as defined in the Adult Foster Care Facility Licensing Act; or, an adult as defined by Section 11(b) of the Social Welfare Act. The code establishes four degrees of vulnerable adult abuse. Penalties for 1st degree vulnerable adult abuse (intentionally causing serious physical or mental harm) is a felony punishable by up to 15 years imprisonment and/or a fine of up to \$10,000; 2nd degree vulnerable adult abuse (serious physical or mental harm caused by a reckless act or reckless failure to act) is a felony punishable by up to four years in prison and/or a fine up to \$5,000; 3rd degree (intentionally causing physical harm) is a misdemeanor punishable by imprisonment for up to two years and/or a fine of up to \$2,500; and 4th degree vulnerable adult abuse (physical harm caused by a reckless act or reckless failure to act) is a misdemeanor offense punishable by imprisonment for up to one year and/or a fine of up to \$1,000. In addition, there are felony penalties against facilities for licensing or rule violations that lead to the death of a vulnerable adult.]

MCL 750.316

Analyst: S. Stutzky

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