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House Bill 5104 (Substitute H-1 as reported without amendment)

Sponsor: Representative William Van Regenmorter

House Committee: Criminal Justice

Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to include first- and second-degree vulnerable adult abuse in the Code's felony murder provision. Under this provision, murder committed in the perpetration or attempt of certain felonies constitutes first-degree murder and requires a sentence of life imprisonment. Under the bill, a murder committed during the commission of, or attempt to commit, first- or second-degree vulnerable adult abuse also would be punishable by life imprisonment.

Under the Code, a caregiver is guilty of first-degree vulnerable adult abuse if he or she intentionally causes serious physical harm or serious mental harm to a vulnerable adult. A caregiver or other person with authority over a vulnerable adult is guilty of second-degree vulnerable adult abuse if the caregiver's or other person's reckless act or reckless failure to act causes serious physical harm or serious mental harm to a vulnerable adult. "Vulnerable adult" means an individual 18 or over who, because of age, developmental disability, mental illness, or physical disability requires supervision or personal care or lacks the personal and social skills required to live independently; a person who is at least 18 years of age and is placed in an adult foster care home; or a person who is at least 18 and is suspected of being or is believed to be abused, neglected, or exploited.

MCL 750.316 Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could result in increased costs to the State. The cost of incarceration would increase to the extent that offenders who commit a murder during the commission of vulnerable adult abuse in the first or second degree, are currently convicted of a felony other than first-degree murder and receive a prison sentence other than life in prison, under the bill would receive a life sentence as required by the first-degree murder statute. Vulnerable adult abuse in the first degree has a maximum sentence of 15 years, and in the second degree has a maximum sentence of four years. According to the Department of Corrections Statistical Report, in 2001 three offenders were convicted of vulnerable adult abuse in the first or second degree. None of them received jail or prison time, nor were any offenders in prison for committing vulnerable adult abuse. However, there are no data to indicate how many offenders currently are convicted of murder or another serious crime for an offense involving vulnerable adult abuse. The State would incur the cost of any additional incarceration at an average annual cost of \$28,000.

Date Completed: 3-10-04 Fiscal Analyst: Bethany Wicksall