

# SENATE BILL No. 1466

November 3, 2004, Introduced by Senators JACOBS, HAMMERSTROM and PATTERSON and referred to the Committee on Health Policy.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145n (MCL 750.145n), as amended by 2000 PA 66.

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

1       Sec. 145n. (1) A caregiver is guilty of vulnerable adult  
2 abuse in the first degree if the caregiver intentionally causes  
3 serious physical harm or serious mental harm to a vulnerable  
4 adult. Vulnerable adult abuse in the first degree is a felony  
5 punishable by imprisonment for not more than 15 years or a fine  
6 of not more than \$10,000.00, or both.

7       (2) A caregiver or other person with authority over the  
8 vulnerable adult is guilty of vulnerable adult abuse in the  
9 second degree if the reckless act or reckless failure to act of  
10 the caregiver or other person with authority over the vulnerable

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1 adult causes serious physical harm or serious mental harm to a  
2 vulnerable adult. Vulnerable adult abuse in the second degree is  
3 a felony punishable by imprisonment for not more than 4 years or  
4 a fine of not more than \$5,000.00, or both.

5 (3) A caregiver is guilty of vulnerable adult abuse in the  
6 third degree if the caregiver intentionally causes physical harm  
7 to a vulnerable adult. Vulnerable adult abuse in the third  
8 degree is a misdemeanor punishable by imprisonment for not more  
9 than 2 years or a fine of not more than \$2,500.00, or both.

10 (4) A caregiver or other person with authority over the  
11 vulnerable adult is guilty of vulnerable adult abuse in the  
12 fourth degree if the reckless act or reckless failure to act of  
13 the caregiver or other person with authority over a vulnerable  
14 adult causes physical harm to a vulnerable adult. Vulnerable  
15 adult abuse in the fourth degree is a misdemeanor punishable by  
16 imprisonment for not more than 1 year or a fine of not more than  
17 \$1,000.00, or both.

18 (5) This section does not prohibit a caregiver or other  
19 person with authority over a vulnerable adult from taking  
20 reasonable action to prevent a vulnerable adult from being harmed  
21 or from harming others.

22 (6) This section does not apply to an act or failure to act  
23 that is carried out as directed by a patient advocate under a  
24 patient advocate designation executed in accordance with sections  
25 5506 to ~~5512~~ **5515** of the estates and protected individuals  
26 code, 1998 PA 386, MCL 700.5506 to ~~700.5512~~ **700.5515**.

27 Enacting section 1. This amendatory act does not take

1 effect unless Senate Bill No. 1464  
2 of the 92nd Legislature is enacted into  
3 law.