

Legislative Analysis



CODE OF CRIMINAL PROCEDURE: ABUSE OF VULNERABLE ADULT

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Senate Bill 468 (without amendment)

Sponsor: Sen. Goeff Hansen

House Committee: Families, Children, and Seniors

Senate Committee: Families, Seniors and Human Services

Complete to 4-30-12

A SUMMARY OF SENATE BILL 468 AS PASSED BY THE SENATE 11-2-11

Senate Bill 468 would amend Chapter IV (MCL 764.1a) of the Code of Criminal Procedure to specify that a magistrate could not refuse to accept a complaint alleging a crime had been committed against a vulnerable adult on the grounds that the complaint is signed upon information and belief by an individual other than the victim.

[There is currently a similar provision in the Code of Criminal Procedure that prohibits a magistrate from refusing to accept a complaint on the grounds that the complaint is signed upon information and belief by an individual other than the victim in cases of domestic abuse; that is, cases where there are allegations of assault or aggravated assault by the victim's spouse or former spouse, an individual with whom the victim has had a child in common, or an individual residing or having resided in the same household as the victim. This was put in place by Public Act 70 of 1994. The provision in Senate Bill 468 mirrors that in Public Act 70.]

Chapter IV of the Code of Criminal Procedure deals with arrests, and it requires a magistrate to issue an arrest warrant upon the presentation of a proper complaint alleging the commission of an offense and a finding of reasonable cause to believe that the accused individual has committed that offense. The statute lays out the proper basis for a finding of reasonable cause.

Definition of Vulnerable Adult. As defined in the Michigan Penal Code, a vulnerable adult, generally speaking, is (1) an individual age 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; (2) an individual unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age; or (3) a child placed in an adult foster care family home or an adult foster care small group home with the approval of the Department of Human Services.

FISCAL IMPACT:

Senate Bill 468 would have a minimal to no fiscal impact on state or local governments. The bill may increase the number of complaints alleging a crime against a vulnerable adult that a magistrate accepts.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.