



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 468 (as introduced 6-15-11)
Sponsor: Senator Goeff Hansen
Committee: Families, Seniors and Human Services

(as enacted)

Date Completed: 9-13-11

CONTENT

The bill would amend the Code of Criminal Procedure to prohibit a magistrate from refusing to accept a complaint alleging a crime committed against a vulnerable adult because the complaint was signed by an individual other than the victim.

The Code requires a magistrate to issue an arrest warrant upon presentation of a proper complaint alleging the commission of an offense and a finding of reasonable cause to believe that the individual accused in the complaint committed the offense.

Under the bill, the magistrate could not refuse to accept a complaint alleging that a crime was committed in which the victim was a vulnerable adult on the grounds that the complaint was signed upon information and belief by an individual other than the victim.

"Vulnerable adult" would mean that term as defined in Section 145m of the Penal Code. Under that section, "vulnerable adult" means one or more of the following:

- An individual who is at least 18 years old who requires supervision or personal care or lacks the personal and social skills required to live independently due to age, developmental disability, mental illness, or physical disability.
- An adult, as defined in Section 3(1)(b) of the Adult Foster Care Facility Licensing Act.
- An adult, as defined in Section 11(b) of the Social Welfare Act.

(Section 3(1)(b) of the Adult Foster Care Facility Licensing Act includes in the definition of "adult" a child placed in an adult foster care family home or small group home as authorized by the Department of Human Services.

Under Section 11b of the Social Welfare Act, "adult" means a vulnerable person who is at least 18 years old who is suspected of being or believed to be abused, neglected, or exploited. "Vulnerable" means a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or advanced age.)

MCL 764.1a

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. To the extent that the bill increased the workload of various district or municipal courts, local jurisdictions could incur additional administrative costs.

Fiscal Analyst: Matthew Grabowski

S1112\S468sa.

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.