

Legislative Analysis



ALLOW CONSECUTIVE SENTENCING FOR FINANCIALLY EXPLOITING VULNERABLE ADULTS

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House Bill 4264

Sponsor: Rep. Tom Leonard

Committee: Judiciary

Complete to 2-27-13

A SUMMARY OF HOUSE BILL 4264 AS INTRODUCED 2-14-13

If a person were convicted of more than one count of financial exploitation of a vulnerable adult, the bill would permit a court to order each sentence be served ***consecutively*** (back-to-back), as opposed to ***concurrently*** (at the same time). This would only apply to felony sentences.

The Michigan Penal Code prohibits a person through fraud, deceit, misrepresentation, coercion, or unjust enrichment to obtain or use (or attempt to obtain or use) a vulnerable adult's money or property to directly or indirectly benefit himself or herself knowing, or having reason to know, that the vulnerable adult is a vulnerable adult. Penalties for a violation are based on the value of the money or property involved in the crime (along with certain prior offenses) and range from a 93-day misdemeanor to a 20-year felony. Currently, if a person is convicted of more than one offense under this statute, the sentences are served *concurrently*, or all at the same time, rather than back-to-back.

House Bill 4264 would amend the penal code to allow a court to order a sentence imposed for a felony violation of the financial exploitation of a vulnerable adult statute to be served ***consecutively*** to any other sentence imposed for a felony violation of the statute. A consecutive sentence would be up to the discretion of the sentencing judge; the judge could still order multiple felony sentences to be served concurrently.

MCL 750.174a

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the state. Information is not available on the number of persons that might be convicted under these provisions. Also, information is not available on how many judges would opt to sentence persons to consecutive terms versus concurrent terms. The average cost of prison incarceration in a state facility is roughly \$35,500 per prisoner per year, a figure that includes various fixed administrative and operational costs.

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