



Senate Fiscal Agency  
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BILL ANALYSIS



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Senate Bill 866 (Substitute S-3 as reported)  
Senate Bill 867 (Substitute S-2 as reported)  
Sponsor: Senator Virgil Smith  
Committee: Judiciary

**CONTENT**

Senate Bill 866 (S-3) would amend Chapter 20A (Vulnerable Adults) of the Michigan Penal Code to prohibit and prescribe criminal penalties for various actions against an elder adult or vulnerable adult. The bill would define "elder adult" as a person who is 65 years of age or older. Under Chapter 20A, "vulnerable adult" means an individual who is 18 or older 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. The term includes a person placed in an adult foster care home and a vulnerable person who is 18 or older and is suspected of being or believed to be abused, neglected, or exploited. The bill also would change the heading of Chapter 20A to "Vulnerable Adults and Elder Adults".

Under the bill, a person who assaulted another person whom he or she knew or reasonably should have known was an elder adult or vulnerable adult would be guilty of a crime punishable as shown in Table 1.

Table 1

<b>Violation</b>	<b>Level</b>	<b>Max. Prison and/or Fine</b>
Assault	Misdemeanor	1 year; \$1,000
Assault causing physical injury, pain, or mental suffering	Felony	4 years; \$5,000
Assault causing serious impairment of a body function	Felony	15 years; \$10,000
Assault causing death	Felony	25 years; \$25,000

A person who restrained an elder adult or a vulnerable adult by the use of violence, menace, fraud, or deceit would be guilty of a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000.

The bill also would prohibit a person from obtaining or using, or attempting to obtain or use, an elder adult's money or property through fraud, deceit, misrepresentation, coercion, or unjust enrichment, to directly or indirectly benefit that person, knowing or having reason to know the elder adult was a vulnerable adult. A violation would be punishable as shown in Table 2.

Table 2

<b>Value/Prior Convictions</b>	<b>Level</b>	<b>Max. Prison and/or Fine <sup>a)</sup></b>
<\$200	Misdemeanor	93 days; \$500
\$200 or more but <\$1,000 or at least 1 prior conviction	Misdemeanor	1 year; \$2,000
\$1,000 or more but <\$20,000 or at least 1 prior conviction <sup>b)</sup>	Felony	5 years; \$10,000
\$20,000 or more but <\$50,000 or at least 2 prior convictions <sup>b)</sup>	Felony	10 years; \$15,000
\$50,000 or more but <\$100,000 or at least 2 prior convictions <sup>b)</sup>	Felony	15 years; \$15,000
\$100,000 or more, or at least 2 prior convictions <sup>b)</sup>	Felony	20 years; \$50,000
<sup>a)</sup> Or 3 times the value of the money or property, whichever is more. <sup>b)</sup> Except for a conviction involving money or property valued at less than \$200.		

The value of money or property in separate incidents within any 12-month period could be aggregated to determine the total value. If the scheme or course of conduct were directed against only one person, no time limit would apply.

A financial institution or broker would not be in violation of the bill's prohibition against fraudulently obtaining or using an elder adult's money or property while performing duties in the normal course of business.

Senate Bill 867 (S-2) would amend the Code of Criminal Procedure to add the felonies proposed by Senate Bill 866 (S-3) to the sentencing guidelines. The bill is tie-barred to Senate Bill 866.

Proposed MCL 750.145s (S.B. 866)  
 MCL 777.16g (S.B. 867)

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bills would create new felony penalties. The sentences for felony convictions would cost the State approximately \$35,000 per prisoner per year. The new misdemeanor penalties could increase costs for local courts and jail systems to prosecute offenses under the bills. Additionally, any increased revenue from fines under these offenses would be dedicated to public libraries.

Date Completed: 6-20-14

Fiscal Analyst: John Maxwell

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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.