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BILL



ANALYSIS

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House Bill 4264 (as passed by the House)  
Sponsor: Representative Tom Leonard  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 4-15-13

### **CONTENT**

**The bill would amend the Michigan Penal Code to allow a court to order a sentence imposed for a felony conviction of financially exploiting a vulnerable adult to be served consecutively to any other sentence imposed for a misdemeanor or felony violation of the same offense.**

Section 174a of the Penal Code prohibits a person from obtaining or using, or attempting to obtain or use, a vulnerable adult's money or property through fraud, deceit, misrepresentation, coercion, or unjust enrichment, to benefit the person, if the person knows or has reason to know the victim is a vulnerable adult. A violation is a misdemeanor or a felony, depending on the value of the money or property used or obtained, or attempted to be used or obtained, and the person's prior convictions. To constitute a felony, the money or property must have a value of \$1,000 or more, or have a value of \$200 or more but less than \$1,000 when the person has a prior conviction involving money or property valued at \$200 or more. For higher amounts, the code prescribes a range of increased penalties.

Under the bill, the court could order a sentence imposed for a felony to be served consecutively to any other sentence imposed for violation of Section 174a.

("Vulnerable adult" means one or more of the following:

- An individual at least 18 years of age 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.
- A person who is placed in an adult foster care family home or an adult foster care small group home under the Adult Foster Care Facility Licensing Act.
- A vulnerable person at least 18 years of age who is suspected of being or believed to be abused, neglected, or exploited.)

MCL 750.174a

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate, but likely negative, fiscal impact on State and local government. By allowing judges to require consecutive rather than concurrent sentences, the bill could result in longer sentences and thereby higher cost of incarceration in both

State prisons and county jails. It is not known how many judges would chose to impose the consecutive sentence. In 2011, there were approximately 54 felony dispositions for embezzlement from a vulnerable adult, of which seven resulted in prison time while the remaining offenders received jail time, probation, or both.

Fiscal Analyst: Dan O'Connor