

SENATE BILL No. 866

March 12, 2014, Introduced by Senator SMITH and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by amending the heading of chapter XXA and
by adding section 145s.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XXA

VULNERABLE ADULTS AND ELDER ADULTS

SEC. 145S. (1) A PERSON WHO KNOWS OR REASONABLY SHOULD KNOW
THAT A PERSON IS AN ELDER ADULT SHALL NOT, UNDER CIRCUMSTANCES OR
CONDITIONS LIKELY TO PRODUCE GREAT BODILY HARM OR DEATH, WILLFULLY
CAUSE OR INFLICT UNJUSTIFIABLE PHYSICAL PAIN OR MENTAL SUFFERING ON
THE ELDER ADULT. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY
PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
NOT MORE THAN \$5,000.00, OR BOTH.

1 (2) IF IN THE COMMISSION OF AN OFFENSE DESCRIBED IN SUBSECTION
2 (1) THE VICTIM SUFFERS GREAT BODILY INJURY AS THAT TERM IS DEFINED
3 IN SECTION 85, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY
4 IMPRISONMENT AS FOLLOWS:

5 (A) FOR NOT MORE THAN 7 YEARS IF THE VICTIM IS LESS THAN 70
6 YEARS OF AGE.

7 (B) FOR NOT MORE THAN 9 YEARS IF THE VICTIM IS 70 YEARS OF AGE
8 OR OLDER.

9 (3) IF IN THE COMMISSION OF AN OFFENSE DESCRIBED IN SUBSECTION
10 (1) THE PERSON CAUSES THE DEATH OF THE VICTIM, THE PERSON IS GUILTY
11 OF A FELONY PUNISHABLE BY IMPRISONMENT AS FOLLOWS:

12 (A) FOR NOT MORE THAN 9 YEARS IF THE VICTIM IS LESS THAN 70
13 YEARS OF AGE.

14 (B) FOR NOT MORE THAN 11 YEARS IF THE VICTIM IS 70 YEARS OF
15 AGE OR OLDER.

16 (4) A PERSON WHO KNOWS OR REASONABLY SHOULD KNOW THAT A PERSON
17 IS AN ELDER ADULT SHALL NOT, UNDER CIRCUMSTANCES OR CONDITIONS
18 OTHER THAN THOSE LIKELY TO PRODUCE GREAT BODILY HARM OR DEATH,
19 WILLFULLY CAUSE OR INFLICT UNJUSTIFIABLE PHYSICAL PAIN OR MENTAL
20 SUFFERING ON THE ELDER ADULT. A PERSON WHO VIOLATES THIS SUBSECTION
21 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
22 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

23 (5) A PERSON WHO VIOLATES ANY OTHER PROVISION OF LAW
24 PROSCRIBING THEFT, EMBEZZLEMENT, FORGERY, FRAUD, OR IDENTITY THEFT
25 WITH RESPECT TO THE PROPERTY OR PERSONAL IDENTIFYING INFORMATION OF
26 AN INDIVIDUAL THE PERSON KNOWS OR SHOULD KNOW IS AN ELDER ADULT IS
27 GUILTY OF A CRIME PUNISHABLE AS FOLLOWS:

1 (A) IF THE MONEY, LABOR, GOODS, SERVICES, OR REAL OR PERSONAL
2 PROPERTY TAKEN OR OBTAINED IS OF A VALUE OF MORE THAN \$1,000.00,
3 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
4 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

5 (B) IF THE MONEY, LABOR, GOODS, SERVICES, OR REAL OR PERSONAL
6 PROPERTY TAKEN OR OBTAINED IS OF A VALUE OF \$1,000.00 OR LESS, THE
7 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
8 NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

9 (6) A PERSON WHO RESTRAINS AN ELDER ADULT BY THE USE OF
10 VIOLENCE, MENACE, FRAUD, OR DECEIT IS GUILTY OF A FELONY PUNISHABLE
11 BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE
12 THAN \$5,000.00, OR BOTH.

13 (7) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED
14 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW
15 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
16 SECTION.

17 (8) AS USED IN THIS SECTION:

18 (A) "ELDER ADULT" MEANS A PERSON WHO IS 65 YEARS OF AGE OR
19 OLDER.

20 (B) "RESTRAINS" MEANS TO RESTRICT A PERSON'S MOVEMENTS OR TO
21 CONFINE THE PERSON SO AS TO INTERFERE WITH THAT PERSON'S LIBERTY
22 WITHOUT THAT PERSON'S CONSENT OR WITHOUT LEGAL AUTHORITY. THE
23 RESTRAINT DOES NOT HAVE TO EXIST FOR ANY PARTICULAR LENGTH OF TIME
24 AND MAY BE RELATED OR INCIDENTAL TO THE COMMISSION OF OTHER
25 CRIMINAL ACTS.