

# HOUSE BILL No. 5046

November 4, 2015, Introduced by Reps. Hughes, Bizon, Leonard, Crawford, Barrett and Sheppard and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 145n (MCL 750.145n), as amended by 2004 PA 559.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 145n. (1) A caregiver is guilty of vulnerable adult abuse  
2     in the first degree if the caregiver intentionally causes serious  
3     physical harm or serious mental harm to a vulnerable adult.  
4     Vulnerable adult abuse in the first degree is a felony punishable  
5     by imprisonment for not more than ~~15~~20 years or a fine of not more  
6     than \$10,000.00, or both.

7       (2) A caregiver or other person with authority over the  
8     vulnerable adult is guilty of vulnerable adult abuse in the second  
9     degree if the reckless act or reckless failure to act of the  
10    caregiver or other person with authority over the vulnerable adult  
11    causes serious physical harm or serious mental harm to a vulnerable

1 adult. Vulnerable adult abuse in the second degree is a felony  
2 punishable by imprisonment for not more than 4 years or a fine of  
3 not more than \$5,000.00, or both.

4 (3) A caregiver is guilty of vulnerable adult abuse in the  
5 third degree if the caregiver intentionally causes physical harm to  
6 a vulnerable adult. Vulnerable adult abuse in the third degree is a  
7 misdemeanor punishable by imprisonment for not more than 2 years or  
8 a fine of not more than \$2,500.00, or both.

9 (4) A caregiver or other person with authority over the  
10 vulnerable adult is guilty of vulnerable adult abuse in the fourth  
11 degree if the reckless act or reckless failure to act of the  
12 caregiver or other person with authority over a vulnerable adult  
13 causes physical harm to a vulnerable adult. Vulnerable adult abuse  
14 in the fourth degree is a misdemeanor punishable by imprisonment  
15 for not more than 1 year or a fine of not more than \$1,000.00, or  
16 both.

17 (5) This section does not prohibit a caregiver or other person  
18 with authority over a vulnerable adult from taking reasonable  
19 action to prevent a vulnerable adult from being harmed or from  
20 harming others.

21 (6) This section does not apply to an act or failure to act  
22 that is carried out as directed by a patient advocate under a  
23 patient advocate designation executed in accordance with sections  
24 5506 to ~~5515~~ **5520** of the estates and protected individuals code,  
25 1998 PA 386, MCL 700.5506 to ~~700.5515~~ **700.5520**.