

HOUSE BILL No. 5422

March 2, 2016, Introduced by Reps. Chirkun, Dianda, Lane, Plawecki, Liberati, LaVoy, Faris, Phelps, Banks, Hovey-Wright, Schor, Darany, Brunner, Garrett, Guerra, Smiley, Kesto, Singh, Lucido, Rutledge, Wittenberg and Clemente 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 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

1 caregiver or other person with authority over the vulnerable adult
2 causes serious physical harm or serious mental harm to a vulnerable
3 adult. Vulnerable adult abuse in the second degree is a felony
4 punishable by imprisonment for not more than 4 years or a fine of
5 not more than \$5,000.00, or both.

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

11 (4) A caregiver or other person with authority over the
12 vulnerable adult is guilty of vulnerable adult abuse in the fourth
13 degree if the reckless act or reckless failure to act of the
14 caregiver or other person with authority over a vulnerable adult
15 causes physical harm to a ~~THE~~ vulnerable adult **OR THE CAREGIVER OR**
16 **OTHER PERSON WITH AUTHORITY OVER THE VULNERABLE ADULT KNOWINGLY OR**
17 **INTENTIONALLY COMMITS AN ACT THAT UNDER THE CIRCUMSTANCES POSES AN**
18 **UNREASONABLE RISK OF HARM OR INJURY TO A VULNERABLE ADULT,**
19 **REGARDLESS OF WHETHER PHYSICAL HARM RESULTS.** Vulnerable adult abuse
20 in the fourth degree is a misdemeanor punishable by imprisonment
21 for not more than 1 year or a fine of not more than \$1,000.00, or
22 both.

23 (5) This section does not prohibit a caregiver or other person
24 with authority over a vulnerable adult from taking reasonable
25 action to prevent a vulnerable adult from being harmed or from
26 harming others.

27 (6) This section does not apply to an act or failure to act

1 that is carried out as directed by a patient advocate under a
2 patient advocate designation executed in accordance with sections
3 5506 to 5515 of the estates and protected individuals code, 1998 PA
4 386, MCL 700.5506 to 700.5515.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.