

HOUSE BILL No. 5813

April 17, 2018, Introduced by Reps. Runestad, Lucido, Crawford and Graves and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 15h to chapter IV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

1
2 **SEC. 15H. (1) AFTER RESPONDING TO AN INCIDENT INVOLVING A**
3 **VULNERABLE ADULT OR ELDER ADULT, A PEACE OFFICER SHALL PREPARE A**
4 **VULNERABLE ADULT OR ELDER ADULT INCIDENT REPORT. BEGINNING 90 DAYS**
5 **AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**
6 **SECTION, A PEACE OFFICER SHALL USE THE STANDARD VULNERABLE**
7 **ADULT/ELDER ADULT INCIDENT REPORT FORM DEVELOPED UNDER SUBSECTION**
8 **(2) OR A FORM SUBSTANTIALLY SIMILAR TO THAT STANDARD FORM. THE**
9 **REPORT MUST CONTAIN, BUT IS NOT LIMITED TO CONTAINING, ALL OF THE**
10 **FOLLOWING:**

1 (A) THE ADDRESS, DATE, AND TIME OF THE INCIDENT.

2 (B) THE NAME, ADDRESS, HOME AND WORK TELEPHONE NUMBERS, RACE,
3 SEX, AND DATE OF BIRTH OF THE VULNERABLE ADULT OR ELDER ADULT.

4 (C) THE SUSPECT'S NAME, ADDRESS, HOME AND WORK TELEPHONE
5 NUMBERS, RACE, SEX, DATE OF BIRTH, AND INFORMATION DESCRIBING THE
6 SUSPECT AND IF AN INJUNCTION OR RESTRAINING ORDER COVERING THE
7 SUSPECT EXISTS.

8 (D) THE NAME, ADDRESS, HOME AND WORK TELEPHONE NUMBERS, RACE,
9 SEX, AND DATE OF BIRTH OF ANY WITNESS, INCLUDING A CHILD OF THE
10 VULNERABLE ADULT, ELDER ADULT, OR SUSPECT, AND THE RELATIONSHIP OF
11 THE WITNESS TO THE SUSPECT, VULNERABLE ADULT, AND ELDER ADULT.

12 (E) THE FOLLOWING INFORMATION ABOUT THE INCIDENT BEING
13 INVESTIGATED:

14 (i) THE NAME OF THE PERSON WHO CALLED THE LAW ENFORCEMENT
15 AGENCY.

16 (ii) THE RELATIONSHIP OF THE VULNERABLE ADULT OR ELDER ADULT
17 AND THE SUSPECT.

18 (iii) WHETHER ALCOHOL OR CONTROLLED SUBSTANCE USE WAS INVOLVED
19 IN THE INCIDENT, AND BY WHOM IT WAS USED.

20 (iv) A BRIEF NARRATIVE DESCRIBING THE INCIDENT AND THE
21 CIRCUMSTANCES THAT LED TO IT.

22 (v) WHETHER AND HOW MANY TIMES THE SUSPECT PHYSICALLY
23 ASSAULTED THE VULNERABLE ADULT OR ELDER ADULT AND A DESCRIPTION OF
24 ANY WEAPON OR OBJECT USED.

25 (vi) A DESCRIPTION OF ALL INJURIES SUSTAINED BY THE VULNERABLE
26 ADULT OR ELDER ADULT AND AN EXPLANATION OF HOW THE INJURIES WERE
27 SUSTAINED.

1 (vii) IF THE VULNERABLE ADULT OR ELDER ADULT SOUGHT MEDICAL
2 ATTENTION, INFORMATION CONCERNING WHERE AND HOW THE VULNERABLE
3 ADULT OR ELDER ADULT WAS TRANSPORTED, WHETHER THE VULNERABLE ADULT
4 OR ELDER ADULT WAS ADMITTED TO A HOSPITAL OR CLINIC FOR TREATMENT,
5 AND THE NAME AND TELEPHONE NUMBER OF THE ATTENDING PHYSICIAN.

6 (viii) A DESCRIPTION OF ANY PROPERTY DAMAGE, OR MONEY OR
7 PROPERTY STOLEN THAT IS REPORTED BY THE VULNERABLE ADULT OR ELDER
8 ADULT OR IS EVIDENT AT THE SCENE.

9 (F) A DESCRIPTION OF ANY PREVIOUS INCIDENTS BETWEEN THE
10 VULNERABLE ADULT OR ELDER ADULT AND THE SUSPECT.

11 (G) THE DATE AND TIME OF THE REPORT AND THE NAME, BADGE
12 NUMBER, AND SIGNATURE OF THE PEACE OFFICER COMPLETING THE REPORT.

13 (H) CERTIFICATION THE INCIDENT HAS BEEN REPORTED TO ADULT
14 PROTECTIVE SERVICES PURSUANT TO SECTION 11A OF THE SOCIAL WELFARE
15 ACT, 1939 PA 280, MCL 400.11A.

16 (I) A LETHALITY ASSESSMENT FOR THE PEACE OFFICER TO DOCUMENT
17 WHETHER ANY OF THE FOLLOWING APPLY TO THE RELATIONSHIP BETWEEN THE
18 VULNERABLE ADULT OR ELDER ADULT AND THE SUSPECT, TO THE VULNERABLE
19 ADULT'S OR ELDER ADULT'S PHYSICAL OR MENTAL HEALTH, OR TO THE
20 SUSPECT'S BEHAVIOR:

21 (i) THE SUSPECT HAS ENGAGED IN INTIMIDATION OF THE VULNERABLE
22 ADULT OR ELDER ADULT BY THREATS OR YELLING.

23 (ii) THE SUSPECT HAS USED OR THREATENED TO USE A WEAPON.

24 (iii) THE SUSPECT USES OR ABUSES ALCOHOL OR A CONTROLLED
25 SUBSTANCE.

26 (iv) THE VULNERABLE ADULT OR ELDER ADULT IS UNABLE OR IS NOT
27 ALLOWED TO PERFORM ACTIVITIES OF DAILY LIVING.

1 (v) THE VULNERABLE ADULT OR ELDER ADULT HAS OPEN OR UNTREATED
2 WOUNDS.

3 (vi) THE SUSPECT CONTROLS THE FINANCES OF THE VULNERABLE ADULT
4 OR ELDER ADULT.

5 (vii) THE VULNERABLE ADULT OR ELDER ADULT IS ISOLATED FROM
6 FRIENDS, RELATIVES, OR SOCIAL, RECREATIONAL, OR RELIGIOUS
7 ACTIVITIES.

8 (viii) THE PHYSICAL CONDITION OF THE VULNERABLE ADULT OR ELDER
9 ADULT APPEARS POOR OR TO BE DECLINING.

10 (ix) THE MENTAL CONDITION OF THE VULNERABLE ADULT OR ELDER
11 ADULT APPEARS POOR OR TO BE DECLINING.

12 (x) THE LIVING CONDITIONS OF THE VULNERABLE ADULT OR ELDER
13 ADULT ARE POOR OR SUBSTANDARD.

14 (xi) THERE ARE PRIOR INCIDENTS INVOLVING THE SUSPECT AND ADULT
15 PROTECTIVE SERVICES OR LAW ENFORCEMENT.

16 (J) A VULNERABLE ADULT ASSESSMENT THAT INCLUDES ALL OF THE
17 FOLLOWING INFORMATION:

18 (i) WHETHER THE VICTIM IS AT LEAST 18 YEARS OF AGE.

19 (ii) WHETHER THE VICTIM NEEDS HELP WITH ACTIVITIES OF DAILY
20 LIVING.

21 (iii) WHETHER THE VICTIM IS UNABLE TO PROTECT HIMSELF OR
22 HERSELF FROM ABUSE, NEGLECT, OR EXPLOITATION.

23 (K) A PHYSICAL RISK ASSESSMENT FOR THE PEACE OFFICER TO
24 DOCUMENT ALL OF THE FOLLOWING OBSERVATIONS REGARDING THE VULNERABLE
25 ADULT OR ELDER ADULT:

26 (i) SUSPECTED NEGLECT, ABUSE, OR FINANCIAL HARM.

27 (ii) SOILED BEDDING.

1 (iii) SOILED BANDAGES.

2 (iv) SIGNS OF PAIN OR REPORTED PAIN.

3 (v) SIGNS OF DEHYDRATION.

4 (vi) A LACK OF MEDICATION OR IMPROPER MEDICATION.

5 (vii) A LOCK ON THE OUTSIDE OF AN INTERIOR DOOR TO A ROOM IN
6 WHICH THE VULNERABLE ADULT OR ELDER ADULT IS LIVING.

7 (viii) BILATERAL GRIP MARKS ON ANY PORTION OF THE BODY OF THE
8 VULNERABLE ADULT OR ELDER ADULT.

9 (ix) A FOUL SMELL.

10 (x) A FAILURE TO MAINTAIN MEDICAL APPOINTMENTS.

11 (xi) A LACK OF ACCESS TO MOBILITY.

12 (xii) EVIDENCE OF CLEANING PRIOR TO THE ARRIVAL OF THE PEACE
13 OFFICER.

14 (xiii) INCONSISTENT EXPLANATION OF CARE.

15 (xiv) SIGNS OF MALNUTRITION OR LACK OF FOOD.

16 (xv) NARCOTIC MEDICATION.

17 (xvi) FILTHY LIVING CONDITIONS.

18 (xvii) UNUSUAL PHYSICAL SIGNS.

19 (xviii) NO SIGNS OF MEDICATION TO RELIEVE THE VULNERABLE ADULT
20 OR ELDER ADULT'S PAIN.

21 (l) A FINANCIAL RISK ASSESSMENT FOR THE PEACE OFFICER TO
22 DOCUMENT ALL OF THE FOLLOWING REGARDING THE VULNERABLE ADULT OR
23 ELDER ADULT:

24 (i) EVIDENCE OF A CAREGIVER WHOSE ONLY INCOME IS THE
25 VULNERABLE ADULT OR ELDER ADULT.

26 (ii) A CAREGIVER CONTROLS THE MONEY OF THE VULNERABLE ADULT OR
27 ELDER ADULT.

1 (iii) POOR OR NO CARE BEING GIVEN TO THE VULNERABLE ADULT OR
2 ELDER ADULT.

3 (iv) CHANGE IN OWNERSHIP OF PROPERTY, INCLUDING DEEDS, CAR
4 TITLES, AND ACCOUNTS, OF THE VULNERABLE ADULT OR ELDER ADULT WITHIN
5 THE LAST 3 YEARS.

6 (v) MISUSE OF LEGAL DOCUMENTS TO DEplete THE ASSETS OF THE
7 VULNERABLE ADULT OR ELDER ADULT, INCLUDING DOCUMENTS REGARDING A
8 DURABLE POWER OF ATTORNEY, A GUARDIANSHIP, OR A CONSERVATORSHIP.

9 (vi) A SECOND MORTGAGE OR REVERSE MORTGAGE GIVEN WITHIN THE
10 LAST 3 YEARS.

11 (vii) A RECENTLY PURCHASED AUTOMOBILE BY THE VULNERABLE ADULT
12 OR ELDER ADULT THAT HE OR SHE DOES NOT DRIVE.

13 (viii) A NEW OR MISSING CREDIT CARD.

14 (ix) MISSING VALUABLES OR ANTIQUES.

15 (2) NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE
16 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT OF THE
17 ATTORNEY GENERAL SHALL DEVELOP A STANDARD VULNERABLE ADULT/ELDER
18 ADULT INCIDENT REPORT FORM.

19 (3) AS USED IN THIS SECTION:

20 (A) "ACTIVITIES OF DAILY LIVING" MEANS ANY OF THE FOLLOWING:

21 (i) WALKING.

22 (ii) TALKING.

23 (iii) COOKING.

24 (iv) BATHING.

25 (v) OBTAINING OR USING TRANSPORTATION.

26 (vi) SITTING.

27 (vii) OBTAINING WATER OR FOOD.

1 (viii) GETTING OUT OF BED.

2 (ix) TAKING MEDICATION.

3 (x) BANKING.

4 (xi) ATTENDING MEDICAL APPOINTMENTS.

5 (B) "ELDER ADULT" MEANS AN ADULT WHO IS 65 YEARS OF AGE OR
6 OLDER.

7 (C) "VULNERABLE ADULT" MEANS THAT TERM AS DEFINED IN SECTION
8 145M OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145M.

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