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 INFLECT 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.
(2) If in the commission of an offense described in subsection (1) the victim suffers great bodily injury as that term is defined in Section 85, the person is guilty of a felony punishable by imprisonment as follows:

(A) For not more than 7 years if the victim is less than 70 years of age.

(B) For not more than 9 years if the victim is 70 years of age or older.

(3) If in the commission of an offense described in subsection (1) the person causes the death of the victim, the person is guilty of a felony punishable by imprisonment as follows:

(A) For not more than 9 years if the victim is less than 70 years of age.

(B) For not more than 11 years if the victim is 70 years of age or older.

(4) A person who knows or reasonably should know that a person is an elder adult shall not, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully cause or inflict unjustifiable physical pain or mental suffering on the elder adult. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(5) A person who violates any other provision of law proscribing theft, embezzlement, forgery, fraud, or identity theft with respect to the property or personal identifying information of an individual the person knows or should know is an elder adult is guilty of a crime punishable as follows:
(A) IF THE MONEY, LABOR, GOODS, SERVICES, OR REAL OR PERSONAL
PROPERTY TAKEN OR OBTAINED IS OF A VALUE OF MORE THAN $1,000.00,
THE PERSON 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.
(B) IF THE MONEY, LABOR, GOODS, SERVICES, OR REAL OR PERSONAL
PROPERTY TAKEN OR OBTAINED IS OF A VALUE OF $1,000.00 OR LESS, THE
PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN $1,000.00, OR BOTH.
(6) A PERSON WHO RESTRAINS AN ELDER ADULT BY THE USE OF
VIOLENCE, MENACE, FRAUD, OR DECEIT 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.
(7) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED
WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW
ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
SECTION.
(8) AS USED IN THIS SECTION:
(A) "ELDER ADULT" MEANS A PERSON WHO IS 65 YEARS OF AGE OR
OLDER.
(B) "RESTRAINTS" MEANS TO RESTRICT A PERSON'S MOVEMENTS OR TO
CONFINE THE PERSON SO AS TO INTERFERE WITH THAT PERSON'S LIBERTY
WITHOUT THAT PERSON'S CONSENT OR WITHOUT LEGAL AUTHORITY. THE
RESTRAINT DOES NOT HAVE TO EXIST FOR ANY PARTICULAR LENGTH OF TIME
AND MAY BE RELATED OR INCIDENTAL TO THE COMMISSION OF OTHER
CRIMINAL ACTS.