



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

House Bill 5422 (as reported without amendment)  
Sponsor: Representative John Chirkun  
House Committee: Criminal Justice  
Senate Committee: Judiciary

**CONTENT**

The bill would amend the Michigan Penal Code to include in fourth-degree vulnerable adult abuse an act that posed an unreasonable risk of harm or injury to a vulnerable adult, regardless of whether physical harm resulted.

The Penal Code provides that a caregiver or other person with authority over a vulnerable adult is guilty of fourth-degree vulnerable adult abuse if his or her reckless act or reckless failure to act causes physical harm to the vulnerable adult. A violation is a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000. Under the bill, a caregiver or other person with authority over a vulnerable adult also would be guilty of that offense if he or she knowingly committed an act that, under the circumstances, posed an unreasonable risk of harm or injury to the vulnerable adult, regardless of whether physical harm resulted.

MCL 750.145n

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bill could have a positive fiscal impact on the State and an indeterminate fiscal impact on local government. Expanding the elements constituting fourth-degree vulnerable adult abuse could lead to more individuals being charged with and convicted of a misdemeanor under the statute. It also is possible that individuals who would otherwise be charged under the felony provisions of first-or second-degree vulnerable adult abuse instead would be charged with a misdemeanor.

An increase in misdemeanor arrests and prosecutions could increase resource demands on law enforcement, court systems, community supervision, and jails. Any increased fine revenue would be dedicated to public libraries.

Fewer felony arrests and convictions could decrease resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. Any associated decrease in fine revenue would reduce funding to public libraries.

Date Completed: 12-12-16

Fiscal Analyst: Ryan Bergan