SUBSTITUTE FOR HOUSE BILL NO. 4254

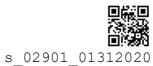
A bill to amend 1931 PA 328, entitled "The Michigan penal code,"

(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:

1	CHAPTER XXA
2	VULNERABLE ADULTS AND ELDER ADULTS
3	Sec. 145s. (1) Except as otherwise provided in this section, a
4	person who assaults another person that he or she knows or
5	reasonably should know is an elder adult or vulnerable adult is
6	guilty of a misdemeanor punishable by imprisonment for not more
7	than 1 year or a fine of up to \$1,000.00, or both.
8	(2) If a violation of subsection (1) causes physical injury,





- 1 pain, or mental suffering, the person is quilty of 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) If a violation of subsection (1) causes serious impairment
- 5 of a body function, the person is guilty of a felony punishable by
- 6 imprisonment for not more than 15 years or a fine of not more than
- 7 \$10,000.00, or both.
- 8 (4) If a violation of subsection (1) causes the death of the
- 9 other person, the person is guilty of a felony punishable by
- 10 imprisonment for not more than 25 years or a fine of not more than
- 11 \$25,000.00, or both.
- 12 (5) A person who restrains an elder adult or a vulnerable
- 13 adult by the use of violence, menace, fraud, or deceit is guilty of
- 14 a felony punishable by imprisonment for not more than 4 years or a
- 15 fine of not more than \$5,000.00, or both.
- 16 (6) This section does not prohibit a person from being charged
- 17 with, convicted of, or punished for any other violation of law
- 18 arising out of the same transaction as the violation of this
- 19 section.
- 20 (7) The court may order a term of imprisonment imposed for a
- 21 violation of this section to be served consecutively to a term of
- 22 imprisonment imposed for any other crime, including any other
- 23 violation of law arising out of the same transaction as the
- 24 violation of this section.
- 25 (8) As used in this section:
- 26 (a) "Elder adult" means a person who is 80 years of age or
- 27 older.
- 28 (b) "Restrains" means to restrict a person's movements or to
- 29 confine the person so as to interfere with that person's liberty

- 1 without that person's consent or without legal authority. The
- 2 restraint does not have to exist for any particular length of time
- 3 and may be related or incidental to the commission of other
- 4 criminal acts.
- 5 (c) "Serious impairment of a body function" means that term as
- 6 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
- 7 MCL 257.58c.
- 8 (9) If a local area agency on aging becomes aware of a
- 9 violation of this section, the local area agency on aging shall
- 10 promptly report the violation to the department of health and human
- 11 services.
- 12 Enacting section 1. This amendatory act takes effect 90 days
- 13 after the date it is enacted into law.
- 14 Enacting section 2. This amendatory act does not take effect
- 15 unless House Bill No. 4260 of the 100th Legislature is enacted into
- **16** law.

