



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

INCREASE PENALTIES FOR CRIMES AGAINST SENIORS

House Bill 4557

Sponsor: Rep. Ken Daniels

Committee: Criminal Justice

Complete to 8-22-01

A SUMMARY OF HOUSE BILL 4557 AS INTRODUCED 4-17-01

The bill would amend the Michigan Penal Code to increase penalties for certain crimes committed against an elderly person, defined as a person 60 years of age or older. The bill would establish a mandatory minimum sentence for second and subsequent offenses for certain violations in which a victim was an elderly person. "Victim" would mean an individual who suffered direct or threatened physical, financial, or emotional harm as a result of the violation. The crimes that would trigger the increased penalties are as follows:

- Sec. 72 – willfully or maliciously burning an occupied or unoccupied house;
- Sec. 83 – assault with intent to commit murder;
- Sec. 88 – unarmed assault with the intent to rob and steal;
- Sec. 89 – armed assault with the intent to rob and steal;
- Sec. 91 – attempted murder by poisoning, drowning, or strangling, etc.;
- Sec. 110 – breaking and entering a tent, hotel, office, store, barn, warehouse, factory, boat, ship, railroad car, etc., with intent to commit a felony;
- Sec. 213 – malicious threats to extort money;
- Sec. 317 – second degree murder;
- Sec. 349 – confining a person against his or her will;
- Sec. 520b, 520c, 520d – criminal sexual conduct in the first, second, and third degree, respectively;
- Sec. 529 – armed robbery and aggravated assault; and,
- Sec. 530 – unarmed robbery.

If the person had one prior conviction of a violation listed above against an elderly person, the bill would require a minimum term of imprisonment of not less than five years. If the person had two prior convictions, the minimum term of imprisonment could not be less than ten years. Moreover, the bill would require that the person be sentenced to a maximum term as allowed by law for that offense. In addition, the person could be sentenced to life imprisonment if the law for that offense permitted such a punishment. For three or more prior convictions of one these

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crimes against an elderly person, the bill would mandate life imprisonment. A mandatory term of imprisonment imposed under the bill could not be suspended, nor would the person be eligible for probation or parole during the mandatory term of imprisonment. Further, a sentence imposed under the bill would have to run consecutively to any other sentence imposed against the person that arose out of the same transaction or occurrence.

MCL 750.72 et al.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.