

# HOUSE BILL No. 5191

October 31, 2017, Introduced by Rep. Lucido and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 81f.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 81F. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A**  
2           **PERSON WHO ASSAULTS OR ASSAULTS AND BATTERS A VULNERABLE ADULT AND**  
3           **WHO KNOWS THE INDIVIDUAL IS A VULNERABLE ADULT IS GUILTY OF A**  
4           **MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR**  
5           **A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.**

6           **(2) A PERSON WHO COMMITS AN ASSAULT OR AN ASSAULT AND BATTERY**  
7           **IN VIOLATION OF SUBSECTION (1) AND WHO HAS 1 OR MORE PREVIOUS**  
8           **CONVICTIONS FOR VIOLATING SUBSECTION (1) OR AN ORDINANCE OF A**  
9           **POLITICAL SUBDIVISION OF THIS STATE OR OF ANOTHER STATE**  
10          **SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) IS GUILTY OF A FELONY**

1 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF  
2 NOT MORE THAN \$5,000.00, OR BOTH.

3 (3) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL USING  
4 NECESSARY REASONABLE PHYSICAL FORCE IN COMPLIANCE WITH SECTION 1312  
5 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1312.

6 (4) THIS SECTION DOES NOT APPLY IF THE VIOLATION OF SUBSECTION  
7 (1) WAS COMMITTED BY AN INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY  
8 AGAINST ANOTHER INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY.

9 (5) AS USED IN THIS SECTION:

10 (A) "DEVELOPMENTAL DISABILITY" MEANS THAT TERM AS DEFINED IN  
11 SECTION 520A.

12 (B) "VULNERABLE ADULT" MEANS THAT TERM AS DEFINED IN SECTION  
13 145M.

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