

**SUBSTITUTE FOR
HOUSE BILL NO. 4473**

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) Except as otherwise provided in this section, a
person who assaults another person that he or she knows or
reasonably should know is an elder adult or vulnerable adult is
guilty of a misdemeanor punishable by imprisonment for not more
than 1 year or a fine of up to \$1,000.00, or both.

(2) If a violation of subsection (1) causes physical injury,



1 pain, or mental suffering, the person is guilty 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. This subsection does not
16 apply to a staff member of a health facility or agency who utilizes
17 a restraint in accordance with the laws of this state and any
18 federal law or regulation applicable to the operation of the health
19 facility or agency. As used in this subsection, "health facility or
20 agency" means that term as defined in section 20106 of the public
21 health code, 1978 PA 368, MCL 333.20106.

22 (6) This section does not prohibit a person from being charged
23 with, convicted of, or punished for any other violation of law
24 arising out of the same transaction as the violation of this
25 section.

26 (7) The court may order a term of imprisonment imposed for a
27 violation of this section to be served consecutively to a term of
28 imprisonment imposed for any other crime, including any other
29 violation of law arising out of the same transaction as the



1 violation of this section.

2 (8) As used in this section:

3 (a) "Elder adult" means a person who is 80 years of age or
4 older.

5 (b) "Restrains" means to restrict a person's movements or to
6 confine the person so as to interfere with that person's liberty
7 without that person's consent or without legal authority. The
8 restraint does not have to exist for any particular length of time
9 and may be related or incidental to the commission of other
10 criminal acts.

11 (c) "Serious impairment of a body function" means that term as
12 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
13 MCL 257.58c.

14 (9) If a local area agency on aging becomes aware of a
15 violation of this section, the local area agency on aging shall
16 promptly report the violation to the department of health and human
17 services.

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

