



SENATE BILL No. 343

February 28, 1995, Introduced by Senators STALLINGS, MILLER, V. SMITH, A. SMITH, CHERRY, DEBEAUSSAERT, YOUNG, PETERS, CONROY, HART, BYRUM, SCHWARZ, MCMANUS, NORTH, DINGELL and BERRYMAN and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 411r.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 411r to read as follows:

4 SEC. 411R. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), AN
5 INDIVIDUAL WHO COMMITS OR ATTEMPTS TO COMMIT A VIOLENT FELONY IN
6 WHICH THE VICTIM IS A SENIOR CITIZEN IS GUILTY OF A FELONY PUN-
7 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 3 YEARS.

8 (2) AN INDIVIDUAL WHO COMMITS OR ATTEMPTS TO COMMIT A
9 VIOLENT FELONY IN WHICH THE VICTIM IS A SENIOR CITIZEN AND IN THE

1 SENIOR CITIZEN'S HOME IS GUILTY OF A FELONY PUNISHABLE BY
2 IMPRISONMENT FOR NOT MORE THAN 5 YEARS.

3 (3) IT IS NOT A DEFENSE TO A CONVICTION UNDER THIS SECTION
4 THAT THE DEFENDANT DID NOT KNOW THE VICTIM WAS A SENIOR CITIZEN.

5 (4) AN INDIVIDUAL MAY BE CHARGED WITH AND CONVICTED OF A
6 VIOLATION OF THIS SECTION IN ADDITION TO ANY CHARGE OR CONVICTION
7 FOR THE UNDERLYING VIOLENT FELONY OR ATTEMPT TO COMMIT A VIOLENT
8 FELONY. A TERM OF IMPRISONMENT IMPOSED PURSUANT TO THIS SECTION
9 SHALL BE SERVED CONSECUTIVELY WITH AND PRECEDING ANY TERM OF
10 IMPRISONMENT IMPOSED FOR A CONVICTION OF THE UNDERLYING VIOLENT
11 FELONY OR ATTEMPT.

12 (5) AS USED IN THIS SECTION:

13 (A) "SENIOR CITIZEN" MEANS AN INDIVIDUAL WHO IS 60 YEARS OF
14 AGE OR OLDER.

15 (B) "VICTIM" MEANS AN INDIVIDUAL WHO SUFFERS DIRECT OR
16 THREATENED PHYSICAL, FINANCIAL, OR EMOTIONAL HARM AS A RESULT OF
17 THE COMMISSION OF A CRIME.

18 (6) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE
19 "ROSA PARKS SENIOR CITIZEN VIOLENT CRIME PROTECTION ACT".