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## CRIMES AGAINST ELDERLY VICTIMS: PENALTIES

### House Bill 4051

**Sponsor: Rep. Jennifer Faunce**  
**Committee: Criminal Law and  
Corrections**

**Complete to 2-10-99**

### **A SUMMARY OF HOUSE BILL 4051 AS INTRODUCED 1-27-99**

House Bill 4051 would amend the Michigan Penal Code to provide specific penalties for criminals who were convicted on second or subsequent occasions for committing any of a number of listed offenses where an elderly person was a victim of the offense. The bill would define an elderly person as a person who was 60 years old or older and would define victim as an individual who suffered direct or threatened physical, financial, or emotional harm due to the violation of one of the listed offenses. The bill's listed offenses would include violations for burning a dwelling house; assault with intent to commit murder; armed and unarmed assault with intent to rob and steal; attempted murder; breaking and entering; malicious threats to extort money; second degree murder; kidnaping; first, second and third degree criminal sexual conduct; armed robbery/aggravated assault; and unarmed robbery.

The first time that an individual was convicted of committing one of these crimes against an elderly victim, the offender would not be subject to the bill's enhanced sentencing. However, if the offender were convicted for a second or subsequent time for one of the listed offenses and had again victimized an elderly person during the commission of the offense, the offender would receive one of the following punishments: 1) if he or she had only one prior conviction, a minimum sentence of not less than five years imprisonment, 2) if the offender had two prior convictions, a minimum of not less than ten years, and 3) if the offender had three or more prior convictions, imprisonment for life. In addition, if there were a difference between the term of imprisonment provided for by the bill's provisions and the term of imprisonment normally ordered by law, offenders would be required to receive the higher sentence up to and including life imprisonment. Any sentence issued under the bill's provisions could not be suspended, and would be required to run consecutively with any other sentence arising out of the same transaction or occurrence. Offenders who were imprisoned under the bill's provisions would not be eligible for probation and parole.

MCL 750.72 et al.

Analyst: W. Flory

■ 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.