

Legislative Analysis



REVOKE BENEFITS OF THOSE WHO ABUSE, NEGLECT, OR EXPLOIT DECEDENT

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House Bill 5727

Sponsor: Rep. Mark Meadows

Committee: Senior Health, Security, and Retirement

Complete to 2-19-08

A SUMMARY OF HOUSE BILL 5727 AS INTRODUCED 2-13-08

The bill would amend Section 2803 of the Estates and Protected Individuals Code (EPIC) to specify that an individual *who commits an act of abuse, neglect, or exploitation* would forfeit all benefits with respect to the decedent's estate. In addition, the terms *felon* and *abuse, neglect, or exploitation* would be added to subsections within the section that revoke provisions and sever interest in property through governing instruments conferring power of appointment, or transferring interests of the decedent to the individual.

The section currently only applies to an individual who feloniously and intentionally kills the decedent. The bill would be extend the section to apply also to an individual committing an act of abuse, neglect, or exploitation.

Section 2802 would be amended to include in the code's definitions the terms *abuse, neglect, or exploitation*. These terms would be imported from the Penal Code. The bill would also define *felon* to mean the individual who committed the abuse, neglect, or exploitation.

The bill also would amend Section 2804, which deals with the liability of a payor and other third parties who make payments or transfer property to a beneficiary who has forfeited benefits under Section 2803.

MCL 700.2802, et al.

FISCAL IMPACT:

A fiscal analysis is in process.

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