

Legislative Analysis



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

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5727 (Substitute H-1)
Sponsor: Rep. Mark Meadows
Committee: Senior Health, Security, and Retirement

Complete to 2-28-08

A SUMMARY OF HOUSE BILL 5727 AS REPORTED FROM COMMITTEE

The bill would amend Section 2803 of the Estates and Protected Individuals Code (EPIC) to specify that an individual *who is convicted of committing 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 extend the section to also apply to the conviction of the felon for the abuse, neglect, or exploitation of the decedent.

The bill would add new language saying the section would not apply if forfeiture, revocation, or severance would occur because of abuse, neglect, or exploitation and the decedent executed a governing instrument after the date of the conviction expressing a specific intent to allow the felon to inherit or otherwise receive the estate or property of the decedent.

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

The bill would also 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.

POSITIONS:

Office of Services to the Aging supports the bill. (2-26-08)

Elder Law of Michigan supports the bill (2-26-08)

Legislative Analyst: E. Best
Fiscal Analyst: Bethany Wicksall

■ 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.