

**SUBSTITUTE FOR  
HOUSE BILL NO. 5420**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 145n (MCL 750.145n), as amended by 2004 PA 559.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 145n. (1) A caregiver is guilty of vulnerable adult abuse  
2 in the first degree if the caregiver intentionally causes serious  
3 physical harm or serious mental harm to a vulnerable adult.  
4 Vulnerable adult abuse in the first degree is a felony punishable  
5 by imprisonment for not more than 15 years or a fine of not more  
6 than \$10,000.00, or both.

7           (2) A caregiver or other person with authority over the  
8 vulnerable adult is guilty of vulnerable adult abuse in the second  
9 degree if the reckless act or reckless failure to act of the  
10 caregiver or other person with authority over the vulnerable adult

1 causes serious physical harm or serious mental harm to a vulnerable  
2 adult. Vulnerable adult abuse in the second degree is a felony  
3 punishable by imprisonment for not more than 4 years or a fine of  
4 not more than \$5,000.00, or both.

5 (3) A caregiver is guilty of vulnerable adult abuse in the  
6 third degree if the caregiver intentionally causes physical harm to  
7 a vulnerable adult. Vulnerable adult abuse in the third degree is a  
8 misdemeanor punishable by imprisonment for not more than 2 years or  
9 a fine of not more than \$2,500.00, or both.

10 (4) A caregiver or other person with authority over the  
11 vulnerable adult is guilty of vulnerable adult abuse in the fourth  
12 degree if the reckless act or reckless failure to act of the  
13 caregiver or other person with authority over a vulnerable adult  
14 causes physical harm to ~~a~~**THE** vulnerable adult **OR THE CAREGIVER OR**  
15 **OTHER PERSON WITH AUTHORITY OVER THE VULNERABLE ADULT KNOWINGLY OR**  
16 **INTENTIONALLY COMMITS AN ACT THAT UNDER THE CIRCUMSTANCES POSES AN**  
17 **UNREASONABLE RISK OF HARM OR INJURY TO A VULNERABLE ADULT,**  
18 **REGARDLESS OF WHETHER PHYSICAL HARM RESULTS.** Vulnerable adult abuse  
19 in the fourth degree is a misdemeanor punishable by imprisonment  
20 for not more than 1 year or a fine of not more than \$1,000.00, or  
21 both.

22 (5) This section does not prohibit a caregiver or other person  
23 with authority over a vulnerable adult from taking reasonable  
24 action to prevent a vulnerable adult from being harmed or from  
25 harming others.

26 (6) This section does not apply to an act or failure to act  
27 that is carried out as directed by a patient advocate under a

1 patient advocate designation executed in accordance with sections  
2 5506 to 5515 of the estates and protected individuals code, 1998 PA  
3 386, MCL 700.5506 to 700.5515.

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