

# HOUSE BILL No. 5420

March 2, 2016, Introduced by Rep. Lucido and referred to the Committee on Criminal Justice.

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  
11 causes serious physical harm or serious mental harm to a vulnerable

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

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

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

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

25 (6) This section does not apply to an act or failure to act  
26 that is carried out as directed by a patient advocate under a  
27 patient advocate designation executed in accordance with sections

1 5506 to 5515 of the estates and protected individuals code, 1998 PA  
2 386, MCL 700.5506 to 700.5515.

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