

HOUSE BILL NO. 4479

March 09, 2021, Introduced by Reps. Brenda Carter, Anthony, Farrington, Tisdell, Stone, Puri, Sneller, O'Neal, Yaroch, Kuppa, Pohutsky, Ellison, Scott, Aiyash, Breen, Neeley, Brabec, Clemente, Cherry, Young, Kahle, Lightner, Whitsett, Liberati, Wakeman, Haadsma, Coleman, Bezotte, Bellino and Wozniak and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 2802 (MCL 700.2802), as amended by 2012 PA 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2802. As used in this section and sections 2803 and 2804:

2 (a) "Abuse, neglect, or exploitation" means an act, the
3 commission of which is a felony, under any of the following:

4 (i) An act that constitutes child abuse under section 136b of
5 the Michigan penal code, 1931 PA 328, MCL 750.136b.

1 (ii) A criminal act that is an offense under chapter XXA of the
2 Michigan penal code, 1931 PA 328, MCL 750.145m to ~~750.145r.~~
3 **750.145s.**

4 (iii) A violation of section 174a of the Michigan penal code,
5 1931 PA 328, MCL 750.174a.

6 (iv) A criminal act that is an offense involving domestic
7 violence as that term is defined in section 27b of chapter VIII of
8 the code of criminal procedure, 1927 PA 175, MCL 768.27b.

9 (v) A criminal act that constitutes abuse, neglect, or
10 exploitation as those terms are defined in section 11 of the social
11 welfare act, 1939 PA 280, MCL 400.11.

12 (b) "Disposition or appointment of property" includes, but is
13 not limited to, a transfer of an item of property or another
14 benefit to a beneficiary designated in a governing instrument.

15 (c) "Felon" means the individual who was convicted of
16 committing the abuse, neglect, or exploitation.

17 (d) "Governing instrument" means a governing instrument
18 executed by the decedent.

19 (e) "Revocable" means, with respect to a disposition,
20 appointment, provision, or nomination, one under which the
21 decedent, at the time of or immediately before death, was alone
22 empowered, by law or under the governing instrument, to cancel the
23 designation in favor of the killer or felon, whether or not the
24 decedent was then empowered to designate himself or herself in
25 place of his or her killer or felon and whether or not the decedent
26 then had the capacity to exercise the power.

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

29 Enacting section 2. This amendatory act does not take effect

- 1 unless Senate Bill No. ____ or House Bill No. 4473 (request no.
- 2 01188'21) of the 101st Legislature is enacted into law.