

HOUSE BILL NO. 4258

February 26, 2019, Introduced by Reps. Yancey, Anthony, Wozniak, Pagan, Bolden, Hope, Elder, Manoogian, Liberati, Shannon, Ellison, Clemente, Gay-Dagnogo, Crawford, Sabo, Sneller, Kuppa, Hood, Sowerby, Stone, Cynthia Johnson, Farrington, Vaupel, Whitsett, Yaroach, Lasinski, Calley, Filler, Cherry and Coleman 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.



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

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

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

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

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

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

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

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

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

Enacting section 2. This amendatory act does not take effect



- 1 unless Senate Bill No.____ or House Bill No.____ (request no.
- 2 00483'19) of the 100th Legislature is enacted into law.

