

Thank you madame Chair and committee members for allowing me to address you this morning concerning HB 4071, which would offer enhanced criminal penalties in the Michigan Penal Code, for those who harm vulnerable Children. It is a travesty when any child is abused, but it is much more egregious when that abuse is directed at child who cannot communicate that abuse to the proper authorities. We need these enhanced penalties for 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> degree child abuse if the child is Vulnerable Child.

There are several definitions in your bill package, but I'd like to start by providing a couple key definitions, and some background about this bill.

**Child:** any person less than 18 yrs old and not emancipated by law (set free from legal, social, parental restraint etc)

**Cruelty;** is brutal, inhuman, sadistic, or tormenting behavior

**Developmental disability;** this description has many parts as you see in the bill package, but the main focus here is on the Receptive and Expressive Language portion of it, meaning this group of Children cannot communicate verbally.

**Physical Harm;** any injury to a child's physical condition.

**Serious Physical Harm** and **Serious Mental Harm** (for the sake of time please, refer to your bill package to read about the definition of these two terms)

And finally, a **Vulnerable Child** is person less than 18 yrs. of age, who is not emancipated, and who has a developmental disability (see definition in bill), a mental illness or a physical disability, or is non-verbal because of a developmental disability.

Background;

In 2019, Prosecutors were tasked with trying a case that involved child abuse at the Promedica Center for Autism in Adrian Michigan.

Because the victims were non-verbal, and they could not tell anyone what had happened to them, the Prosecutors could not seek more serious charges against the 3 employees who abused these 4 children. These children were smacked in the face, they had things thrown at them, and their clothing was often times take off them in a rough and forcible manner. And these were not isolated incidences; there had been ongoing abuse at this center.

The Prosecutor in the case had to increase the charges in order to gain leverage in resolving the case, because she knew she could not prove that the children suffered mental harm since the abused victims were not able speak, or inform others about what harm they had suffered.

Even though the Physical Abuse was caught on video, under current Michigan child abuse law, the prosecutor needed a complaining witness who could Speak to what actually happened to them. These victims simply could not speak for themselves, as a victim without disabilities would have been able too.

Here are just a few statistics that speak to the need for passage of HB 4071

Children with disabilities are at a higher risk for abuse than non-disabled children. In 2021 the American Academy of Pediatrics found that child abuse and neglect is 3xs higher in children with disabilities than in normally developing children

Again, Disabled Children are 3xs more likely to suffer abuse and neglect compared to their non-disabled counterparts. That it totally unacceptable.

Additionally, the US Department of Justice, Bureau of Justice Statistics, found that from 2009-2015, the rate of violent victimization against vulnerable children aged 12-15 years old, was 144.1/1000 persons, while persons without disabilities were victimized at a rate of 38.8/1000 persons. That rate is almost 4xs higher, a very marked difference: Sadly, our Vulnerable Children truly are at risk.

While we don't yet know the impact House Bill 4071 would have on the State budget, we are hopeful that these deterrents, when enacted, would help to keep caregivers from abusing our children, thereby lessening the burden on our state prison system, not expanding it.

And, coincidentally, Michigan currently has in place laws concerning the abuse of adults defined as Vulnerable. (Chapter 750 section 145n give the definition and penalties for abuse of the vulnerable adult)

Vulnerable adults have additional protection against abuse so why not offer additional protection to our Vulnerable Children.

I ask that you please move forward in passing HB 4071 to amend Michigan Penal Code, creating enhanced sentencing penalties for those who abuse our most vulnerable citizens.

**THANK YOU**

Others who are in favor of House Bill 4071 are; Lenawee County Prosecutors Office, Michigan Council for Maternal and Child Health, Michigan Catholic Conference.