

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 19

As Amended by Senate Committee on Judiciary

Brief*

SB 19 would amend the crime of mistreatment of a dependent adult to include misappropriation of a dependent adult's physical or financial resources. The bill would clarify that such resources may include moneys held in a personal or joint account. Finally, the bill would provide a specific definition of "undue influence."

Background

The bill was introduced by the Senate Judiciary Committee at the request of Attorney General Derek Schmidt. In the Senate Judiciary Committee, representatives of the Johnson County District Attorney's Office and LeadingAge Kansas, and the Kansas State Long-Term Care Ombudsman spoke in support of the bill. The Director of Prevention and Protection Services for the Department for Children and Families and representatives of the Kansas Bankers Association, the Kansas Center for Assisted Living, and the Kansas Health Care Association provided written testimony supporting the bill.

The Senate Committee amended the bill by replacing the proposed definition of "undue influence" with language drawn from Alaskan statutes. The Committee recommended the bill be passed as amended.

The fiscal note on the bill, as introduced, states the Department of Children and Families indicates the bill could

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

increase the number of adults served in the Adult Protective Services Program, but the extent of the increase cannot be estimated and the Department assumes any additional costs could be absorbed within existing resources. The Office of Judicial Administration states the bill could increase case filings, requiring additional time spent by judicial and non-judicial personnel. These filings also could result in the collection of added revenue from docket fees. However, a precise fiscal effect cannot be determined and would likely be accommodated within the existing schedule of court cases.

The Kansas Sentencing Commission estimates the passage of the bill would result in an increase of one to two adult prison beds in each year of the ten-year forecast period.

The fiscal note states that while this bill's expected bed space impact is small, overall the Kansas Sentencing Commission estimates the total number of inmates will exceed available capacity by 325 beds by the end of FY 2014 and by 590 beds by the end of FY 2015. The Governor's budget includes \$2.0 million in FY 2014 and another \$1.0 million in FY 2015 for community corrections treatment and supervisions programs to reduce the number of probationers entering prison. These funds and policy changes are expected to make 135 beds available in FY 2014 and 853 beds available in FY 2015. However, it is likely that projected population increases will require new construction providing 512 beds at a construction cost of approximately \$24.5 million and operating costs of approximately \$8.4 million (\$45 per inmate per day).

Any fiscal effect associated with the bill is not reflected in *The FY 2014 Governor's Budget Report*.

In addition to the estimated increase in adult prison beds noted above, the Kansas Sentencing Commission's bed impact statement estimates the bill would result in one to two additional prison admissions each year and two to four additional journal entries each year for the workload of the Commission.