

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2153**

As Recommended by House Committee on  
Judiciary

**Brief\***

HB 2153 would amend the crime of mistreatment of a dependent adult or elder person to raise the penalty:

- From a severity level 5 person felony to a severity level 2 person felony when the crime involves infliction of physical injury, unreasonable confinement, or unreasonable punishment, and the victim is a dependent adult who is a resident of an adult care home during the commission of the offense; and
- From a severity level 8 person felony to a severity level 5 person felony, when the crime involves omission or deprivation of treatment, goods, or services that are necessary to maintain physical or mental health of the victim, and the victim is a dependent adult who is a resident of an adult care home during the commission of the offense.

**Background**

The bill was introduced by the House Committee on Judiciary at the request of the Office of the Attorney General (OAG).

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\*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>

### ***House Committee on Judiciary***

In the House Committee hearing on February 8, 2021, a representative of the OAG testified as a **proponent** of the bill. A representative of Kansas Advocates for Better Care provided written-only **proponent** testimony. Representatives of the Kansas Association of Criminal Defense Lawyers and LeadingAge Kansas testified as neutral conferees.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration (OJA) states enactment of the bill could result in less supervision of offenders required to be performed by court services officers, but a fiscal effect cannot be estimated. OJA estimates enactment of the bill could result in a decrease of supervision fee revenue.

The Kansas Sentencing Commission estimates enactment of the bill would result in one to two additional prison admissions each year, one to two additional prison beds needed in FY 2022, and one to three additional prison beds needed in FY 2031. The Department of Corrections states enactment of the bill could be handled within existing resources.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Mistreatment of a dependent adult or elder person; resident of adult care home; penalties