

SESSION OF 2010

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR SENATE BILL NO. 67**

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

Sub. for SB 67, as amended, would amend the crimes of mistreatment of a dependent adult, identity theft and identity fraud, and criminal possession of a firearm.

Mistreatment of a Dependent Adult

The bill would:

- Make the knowing and intentional infliction of physical injury, unreasonable confinement, or unreasonable punishment upon a dependent adult a severity level 5, person felony;
- Delete the requirement that taking unfair advantage of a dependent adult's physical or financial resources be committed by a caretaker or another person, and would make a violation of this subsection:
 - A severity level 2, person felony if the aggregate amount of the value of the resources is \$1,000,000 or more;
 - A severity level 3, person felony if the aggregate amount of the value of the resources is at least \$250,000 but less than \$1,000,000;

*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>

- A severity level 4, person felony if the aggregate amount of the value of the resources is at least \$100,000 but less than \$250,000;
 - A severity level 5, person felony if the aggregate amount of the value of the resources is at least \$25,000 but less than \$100,000; and
 - A severity level 7, person felony if the aggregate amount of the value of the resources is at least \$1,000 but less than \$25,000.
- Make the omission or deprivation of treatment, goods, or services that are necessary to maintain physical or mental health of a dependent adult a severity level 8, person felony and delete the requirement that the crime be committed by a caretaker or another person.

Identity Theft and Identity Fraud

The bill would:

- Amend the crime of identity theft to clarify that the crime is committed by obtaining, possessing, transferring, using, selling, or purchasing any personal identifying information belonging to or issued to another person, with the intent to defraud that person, or anyone else, in order to receive a benefit. The penalty for the crime does not change;
- Amend the crime of identity fraud to clarify that the crime is committed by either:
 - Using or supplying information the person knows to be false in order to obtain a document containing any personal identifying information; or
 - Altering, amending, counterfeiting, making, manufacturing, or otherwise replicating any document

containing personal identifying information with the intent to deceive.

The penalty for the crime does not change;

- Clarify that it is not a defense that the person did not know the personal identifying information belonged to another person, living or deceased; and
- Provide a definition for personal identifying information.

Criminal Possession of a Firearm (formerly 2010 SB 411)

The bill would amend the crime of criminal possession of a firearm by a person who has been convicted within the previous ten years of certain violent crimes or certain felony drug crimes. The bill would add the unlawful manufacture of controlled substances, unlawfully arranging a drug transaction using a communication device, and possession of chemicals with the intent to manufacture methamphetamine to the list of drug crimes covered by the crime of criminal possession of a firearm.

Additionally, the bill would make an attempt, conspiracy, or solicitation to commit any of the specified felonies in the statute, including convictions of drug felonies as the crimes are identified in prior statutes, a severity level 8, nonperson felony.

The bill would be effective upon publication in the *Kansas Register*.

Background

The proponents of the bill, as introduced, who presented testimony in the Senate Committee hearing were

representatives of the Kansas County and District Attorneys Association, the Office of the Sedgwick County District Attorney, and Kansas Department on Aging.

There were no opponents of the bill, as introduced, who presented testimony in the Senate Committee hearing.

The Senate Committee, at the request of the Kansas County and District Attorneys Association, adopted the proposed substitute bill at the time the Committee was taking final action on the bill. There was no further testimony on Sub. for SB 67.

Proponents of Sub. for SB 67, as recommended by the Senate Judiciary Committee, in the House Committee hearing were representatives of the Kansas County and District Attorneys Association, the District Attorney's Office of the Eighteenth Judicial District (Sedgwick), the Kansas Association of Homes and Services for the Aging, and Kansas Advocates for Better Care.

There were no opponents of the bill in the House Committee.

The House Committee amended the bill to:

- Make a violation of taking unfair advantage of a dependent adult's physical or financial resources be committed by a caretaker or another person:
 - A severity level 2, person felony if the aggregate amount of the value of the resources is \$1,000,000 or more;
 - A severity level 3, person felony if the aggregate amount of the value of the resources is at least \$250,000 but less than \$1,000,000;

- A severity level 4, person felony if the aggregate amount of the value of the resources is at least \$100,000 but less than \$250,000;
- A severity level 5, person felony if the aggregate amount of the value of the resources is at least \$25,000 but less than \$100,000;
- A severity level 7, person felony if the aggregate amount of the value of the resources is at least \$1,000 but less than \$25,000;
- Insert the provisions from 2010 SB 411, as recommended by the Senate Committee on Judiciary; and
- Add the provisions regarding identity theft and identity fraud.

The fiscal note provided on this bill, as introduced, may not be applicable since the substitute bill is different.