

Approved: 2-8-99  
Date

## MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Vice-Chairman Tim Carmody at 3:30 p.m. on January 27 in Room 313-S of the Capitol.

All members were present except:

Representative David Adkins - Excused  
Representative Michael O'Neal - Excused  
Representative Tony Powell - Excused  
Representative Candy Ruff - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Elwaine Pomeroy, Kansas Collectors Association and Credit Attorneys Association  
Carla Stovall, Attorney General  
Teresa Sittenhauer, Kansas Peace Officers Association  
David Haury, Kansas Historical Society  
Raymond Lundin, Kansas Bureau of Investigation  
Joan Hamilton, District Attorney, Shawnee County  
Ed Collister, Attorney, Lawrence  
Martha Hodgesmith, Deputy Attorney General, Medicaid Fraud & Abuse Division  
Charles Simmons, Secretary Department of Corrections

Elwaine Pomeroy, Kansas Collectors Association and Credit Attorneys Association, appeared before the committee with several requests for bill introductions. The first would address an unconstitutional problem concerning garnishment and execution. Representative Crow made the to have the request introduced as a committee bill. Representative Rehorn seconded the motion. The motion carried.

The next request would amend K.S.A. 60-2310(d) to eliminate the prohibition of wage garnishment when an account has been assigned. Representative Long made the motion to have the request introduced as a committee bill. Representative Loyd seconded the motion. The motion carried.

The third request involved amending K.S.A. 61-1725 to make clear that the provisions of K.S.A. 60-2610 & 2611 relating to bad checks would apply to those filed in Chapter 61 proceedings. Representative Loyd made the motion to have the request introduced as a committee bill. Representative Lightner seconded the motion. The motion carried.

The last request would make Kansas law compatible with the Fair Debt Collection Act. Representative Klein made the motion to have the request introduced as a committee bill. Representative Swenson seconded the motion. The motion carried.

Hearing on **HB 2082 - crimes, criminal procedure, punishments, time limitations**, were opened.

Carla Stovall, Attorney General, appeared before the committee as the sponsor of the proposed bill. She explained that **HB 2082** would increase the statute of limitations to five years for most crimes. She provided the committee with an example of a case that would have been effected by the bill. (Attachment 1)

Teresa Sittenhauer, Kansas Peace Officers Association, testified before the committee as a proponent of the bill. She believes that by extending the statute of limitations to five years it would give law enforcement more time to investigate crimes. (Attachment 2)

David Haury, Kansas Historical Society, endorsed the proposed bill and gave an example as to why there needs to be an extended time period to file charges. (Attachment 3)

Raymond Lundin, Kansas Bureau of Investigation, appeared before the committee as a proponent of the bill. He informed the committee that there are many crimes in which a charge cannot be filed because the statute of limitations. (Attachment 4)

Joan Hamilton, District Attorney, Shawnee County, testified as a proponent of the bill and also provided the committee with an example as to why an extended statute of limitations is needed. (Attachment 5)

Ed Collister, Attorney, Lawrence, appeared before the committee as an opponent to the bill. He reminded the committee that courts are currently backlogged with cases and that this bill, if passed, would add to the problem. (Attachment 6)

Hearing on **HB 2082** were closed.

Hearing on **HB 2081 - crimes and punishment, mistreatment of a dependent adult**, were opened.

Martha Hodgesmith, Deputy Attorney General, Medicaid Fraud & Abuse Division, appeared before the committee as a proponent of the bill. She explained that **HB 2081** would amend the current Mistreatment of a Dependent Adult statute to bring the existing law into conformity with the definitions in Chapter 39, by including the "reckless acts of abuse of dependent adults". (Attachment 7)

Representative Gregory questioned what the definition of mental injury was. Ms. Hodgesmith replied that it would need to be defined on a case by case.

The following people did not appear before the committee to testify, but requested that their written testimony be included in the committee minutes: Terri Roberts, Kansas State Nurses Association; Jane Rhys, Kansas Council on Developmental Disabilities; Ann Koci, Adult & Medical Services Commission; Thelma Hunter Gordon, Secretary of Aging. (Attachment 8)

Hearing on **HB 2081** remained opened.

Hearing on **HB 2092 - direct placement in conservation camps for certain offenders by the secretary of corrections**, were opened .

Charles Simmons, Secretary Department of Corrections, appeared as the sponsor of the proposed bill. He explained that **HB 2092** would expand the pool of offenders as to who the Department of Corrections can send to conservation camps. (Attachment 9)

Hearing on **HB 2092** were closed.

Representative Lloyd requested a committee bill that would allow appeals from prosecutors to the Kansas Court of Appeals when the District Court has made a judgement of acquittal or after a jury verdict of guilty for felony conviction. He made the motion to have the request introduced as a committee bill. Representative Lightner seconded the motion. The motion carried.

Representative Haley requested a committee bill introduction dealing with the transfer of real estate upon the death of the owner. He made the motion to have the request introduced as a committee bill. Representative Schultz seconded the motion. The motion carried.

Representative Schultz requested a committee bill regarding the right of residents of retirement communities to be represented on boards and committees of such communities. He made the motion to have the request introduced as a committee bill. Representative Crow seconded the motion. The motion carried.

The committee meeting adjourned at 5:30 p.m. The next meeting is scheduled for February 1, 1999.





State of Kansas

## Office of the Attorney General

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TESTIMONY OF ATTORNEY GENERAL CARLA STOVALL  
HOUSE JUDICIARY COMMITTEE  
JANUARY 27, 1999  
HOUSE BILL 2082 (EXPANDED STATUTE OF LIMITATIONS)

House Bill 2082 would increase the statute of limitations for most criminal cases. "Statute of limitations" is the time period prosecutors have to file charges in a particular case from the date the crime was committed. The statute of limitations in a murder case is infinite - no limit. However, in all but four categories, the statute of limitations (the time from a crime being committed until the case must be filed) is two years in Kansas.

The two years can be extended if the defendant engaged in conduct which concealed the crime from the victims or law enforcement. That is called "tolling the statute." Tolling, as you shall see, is hard to prove.

As the Crawford County Attorney, I was confronted early on in my career with the unfairness which I believe results from this very short window to get a case to trial. Two young girls (7 and 11 at time of trial) had been repeatedly sexually abused by their stepfather over a period of years. The girls finally were taken from the home by SRS when there were terribly strong indications from their behavior that sexual abuse had likely occurred - but no evidence pointed to who had committed the abuse. After being in the safety of a foster home for quite awhile, the girls disclosed that they, indeed, had been abused and that the perpetrator was their stepfather.

I filed charges against the stepfather and the jury convicted him of all counts. An appeal was taken, however, based upon the protection he should have been afforded by the statute of limitations. Because of the on-going nature of the abuse, which was literally over a period of years, coupled with delay in disclosure, only one of the charges had been filed within two years of when the crime was committed. The trial judge, Justice Allegrucci now of the Kansas Supreme Court, had ruled in pre-trial orders that the defendant had tolled the statute by threatening "I'll kill you and your mother if you tell." The appellate court disagreed that these statements were "active concealment" and reversed the convictions on all but the one count.



The Kansas Legislature the following year used that case as the basis to justify extending as a matter of law the statute of limitations in all child sexual abuse cases to five years. That was a most appropriate decision! It is easy to justify why a longer statute of limitations is needed for cases like I described, however, it is also important for other crimes.

In Kansas, as I said, murder has no limit. Crimes committed against KPERS has a 10 year statute. Child sexual abuse has 5 years. Arson, as approved by the Legislature last year, now has 5 years. Medicaid Fraud, the newly enacted Act, has 5 years. While my proposal would extend the 5 year statute of limitations to all felonies and misdemeanors, the impetus is because of recent paper crimes which have not been able to be prosecuted because of the running of the statute of limitations.

If your home is burglarized - you know it, can report it immediately, and law enforcement can commence an investigation. However, if money is embezzled from your business by the bookkeeper or manager, you do not immediately know of it. Sometimes, not infrequently, it is years actually before the crime is discovered.

Within the last few years, Kansas State University's student association was the victim of theft by the full-time paid secretary of the association. Because the crime was not discovered in a timely fashion, the two year statute of limitations prevented the defendant from being charged and prosecuted.

A large grain elevator in western Kansas had a dishonest manager, who converted customer refund checks to his own use and altered scale tickets and sale invoices to defraud customers. When the crimes were finally discovered, the county attorney filed 167 criminal charges for acts that had been committed during 1994 and 1995. The charges were filed in March 1997, within two years of the discovery of the crimes, however, the case was dismissed because the court found no tolling of the statute - no active concealment of the crimes by the defendant.

Not telling someone about the crimes is not "active concealment." Threatening to kill the victims is not "active concealment." Altering the stolen property is not "active concealment." Hiding evidence of the crime is not necessarily "active concealment."

How do other states handle this issue? As a general rule, no state has a statute of limitations on murder. Great variation exists from there on. Missouri has a 10 year statute of limitations for child sex crimes; a 3 year statute of limitations for other felonies; 1 year for misdemeanors and 6 months for infractions. Nebraska has a 7 year statute of limitations for child sex crimes, a 5 year statute for securities-type fraud, and a 3 year statute for other felonies. Iowa has a 5 year statute of limitations for child sex crimes, a 3 year statute for other felonies and aggravated misdemeanors, and a 1 year statute for misdemeanors. Oklahoma has a 7 year statute of limitations for sex crimes and theft of public money cases, a 5 year statute for other felonies, and a 3 year statute for workers' compensation fraud. In Colorado, as with murder, there is no limit on kidnapping, treason and forgery - or the attempt, conspiracy or solicitation to commit those crimes. A general 3 year statute applies to all other felonies and 18 months for misdemeanors.

As you can see Kansas is unduly lenient in having basically an across-the-board 2 year statute of limitations. I strongly encourage an expanded statute - to allow the defendants who are slick and smooth and remain undetected for two years - to be held accountable and for their victims to have the opportunity, at least, to obtain justice.

Although written as a 5 year statute for felonies and misdemeanors, I would certainly be willing to work with the Committee if your preference was to leave misdemeanors at 2 years. Although other states have the graduated scope, my strong preference would be to have a uniform 5 years for all felonies other than murder and the KPERS crimes. To have varying levels of graduated statutes of limitations would be difficult to work with. For example, many defendants commit several crimes in the scope of the criminal conduct and having different time periods apply would necessitate the shortest statute of limitations to control because of the law which mandates all charges stemming from the same arena of criminal conduct be brought simultaneously. Any benefit law enforcement and victims received from having a longer statute for some crimes would be erased if crimes with shorter statutes were also committed. Either that - or the prosecutor would be forced to not charge the crimes with shorter statutes.

Thank you so much for your consideration of this important victims' right bill.

MEMORANDUM

TO: Representative Mike O'Neal, Chair  
House Judiciary Committee

FROM: Teresa L. Sittenauer  
Kansas Peace Officers Association

DATE: January 27, 1999

RE: HB 2082

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Mr. Chairman, members of the committee, my name is Teresa Sittenauer and I appear today on behalf of the Kansas Peace Officers Association (KPOA). KPOA is comprised of approximately 3,500 members of the law enforcement community throughout Kansas. We appreciate this opportunity to express our support of HB 2082, which amends K.S.A. 21-3106 to provide a five-year, rather than two-year, statute of limitations for certain crimes.

KPOA's reasons for supporting the change are simple and obvious. Extending the statute of limitations provides law enforcement officials with more time to investigate and prosecute a crime. Many times a crime is not reported immediately by the victim or others, and law enforcement officials face a somewhat short fuse for gathering information on the crime. Even when a crime is reported immediately, in certain

circumstances a thorough investigation requires a longer than usual period of time.  
Extending the statute of limitations will help alleviate this problem.

KPOA is pleased to have the opportunity to support HB 2082, and to urge your favorable consideration of the bill. Please do not hesitate to contact me if you have questions or need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa L. Sittenauer". The signature is written in a cursive style with a large, looping initial "T".

Teresa L. Sittenauer



House Bill 2082  
House Judiciary Committee

Thank you Rep. O'Neal and committee members. I am David Haury, Assistant Executive Director of the Kansas State Historical Society. Our agency is very pleased to have this opportunity to endorse lengthening the statute of limitations to five years. We are motivated in part by our recent experience with a theft case, and also by a belief that libraries and archives in general would be better protected by lengthening our current two-year limit in Kansas.

A employee removed over \$50,000 of documents from a locked storage area, and the theft was first discovered over a year after he had left our employment when he attempted to sell items through a local antique dealer. By the time the case was prepared and charges filed, the two year limit had expired and the case was dismissed. Fortunately, we did recover \$10,000 from the thief through a settlement under a relatively new federal law designed specifically to deter thefts of historic materials. A similar state statute protecting artifacts and documents would be valuable, but that is a different issue than our statute of limitations. While the employee removed identifying markings from some of the materials before selling them, the court ruled that this action did not constitute concealment at the time of the theft. Only an act of overt concealment of the theft itself would have allowed prosecution to proceed. Thus the clock started ticking when the theft occurred, and not when the theft was discovered, and not when the thief was caught selling the stolen property. Our materials were in an infrequently visited storeroom and many items were actually in closed boxes. If the thief had not attempted to sell the materials or we had not been moving to our new facility, it could have been years before the theft was discovered. In other words, no act of overt concealment was necessary to conceal the crime.

The system makes it extremely difficult to prosecute anyone who steals items that are

unlikely to be missed. The recent interpretation of what constitutes overt concealment and the relatively short two-year limit in Kansas imposes a great hardship on libraries and archival institutions, which may not discover an item is missing until another patron requests it. Even then, one would be unlikely to discover who had taken the item until the thief or burglar actually tried to sell it. You may recall Stephen Bloomburg and other famous cases during the past decade when individuals stole thousands of valuable books from various libraries and kept them rather than trying to sell them. Such a theft would be very difficult to prosecute under Kansas law today. A two-year limit provides an unreasonable opening for any dishonest, but **patient**, employee or burglar to steal from a library. Fortunately, most thieves generally need cash immediately and may be caught selling the property. But some do not. A five-year limit would increase the likelihood of a successful investigation and prosecution by allowing authorities adequate time for investigation and by making it less profitable for someone to hold property until they could not be prosecuted.

In conclusion, we strongly endorse increasing the time-frame of the statute of limitations from two to five years. We would also urge you to investigate the possibility of changing the language regarding overt concealment of a theft and to start the clock when the theft and thief are discovered, not when the theft occurs. The law gives too much advantage to the criminal. In the case of our agency, it is the public trust which is violated and state property which we hold in trust for the citizens of Kansas which is being stolen.



## Kansas Bureau of Investigation

Larry Welch  
*Director*

Carla J. Stovall  
*Attorney General*

### TESTIMONY OF SENIOR SPECIAL AGENT RAYMOND LUNDIN BEFORE THE HOUSE JUDICIARY COMMITTEE RE: HOUSE BILL 2082 JANUARY 27, 1999

Mr. Chairman and Members of the Committee:

I am Raymond Lundin, a Senior Special Agent of the Kansas Bureau of Investigation and appear today in support of House Bill 2082. I am currently assigned to the newly formed Cold Case Squad. Much of the work I do for the KBI involves cases that are ten or more years old. Because there is no statute of limitations for first and second-degree murder, our unit has the unique opportunity to bring criminals to justice years and even decades after they committed their crimes.

I cannot with words fully express the feelings of the victim's family when they are told that the murder of their loved one is solved and that the perpetrator of the crime will be prosecuted. Neither can I accurately describe the frustration of victims who watch helplessly as the perpetrators of other crimes go unpunished simply because the statute of limitations for the particular crime has expired. Our state has seen several cases where a defendant charged with first or second degree murder is found guilty by a jury of a lesser crime such as manslaughter. Often times to the horror of the victim's family the defendant, following the verdict walks out of the courtroom a free man because the statute of limitations had already expired.

Besides the crimes involving the death of a victim there are many other violent crimes adversely affected by statutes of limitations that expire prior to the bringing of charges. Take for example the elderly couple who are seated in their living room when a criminal forces entry into their home. The criminal beats and robs the couple before fleeing the residence. During the investigation of the crime, investigators collect blood left behind by the criminal from an injury he sustained forcing entry into the home. Technological advances in evidence collection and processing would allow that sample of blood to be analyzed and a DNA profile established. Now lets say that this same criminal, three years later moves to Florida and is arrested and convicted for rape. Thanks to CODIS, the Combined DNA Indexing System, the KBI would be able to access Florida's DNA data bank and match the DNA profile on the Aggravated Battery, Aggravated Burglary suspect in Kansas to the rape suspect in Florida. Unfortunately because the statute of

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Attachment 4

limitations for the crimes committed in Kansas have expired, Kansas will be unable to prosecute the criminal and the elderly couple will reap no justice.

Many crimes, especially those of a financial nature, often go undetected until an audit or other exceptional action causes the crime to be discovered. It is most often just the nature of the business that causes many financial crimes to go undetected rather than an overt action taken by the criminal to conceal the crime.

There are many crimes that are blocked from successful prosecution because of conflicts with the statute of limitations. Agents of the Kansas Bureau of Investigation investigate crimes and seek prosecution of criminals who victimize our society. I dedicate myself to the victim and the victim's family when investigating a case. It is that dedication that keeps me going when the investigation progress slows. The pictures of the victims who can no longer speak for themselves surround my desk. It is for them, and all other victims of crimes in Kansas that I ask you to support an increase in the statute of limitations.

The law enforcement community has made great strides in recent years to improve our investigative techniques (evidence collection and preservation, laboratory analysis, case management) and those steps make us better prepared to present cases for prosecution even after extended periods of time have elapsed. Please help us to better serve the citizens of Kansas by increasing the minimum statute of limitations to five years. A favorable consideration on your part would enhance our ability to investigate those who commit crimes against the citizens of Kansas. Thank you.

I would be happy to answer any questions.



Assistant District Attorneys

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James A. Brown  
Nancy S. Brumbeloe  
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Investigators  
Donald M. Murphy  
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Mick Meyer  
Bob Burke

TO: House Judiciary Committee  
FROM: Joan Hamilton, Shawnee County District Attorney  
DATE: January 27, 1999  
RE: HOUSE BILL 2082

First, let me thank you for allowing me to testify before your committee today on this bill. I can be available for any questions or specific problems you would like to address to me.

I support the passage of House Bill 2082. One of the main reasons for this support is because of cases like State vs. Darryl Hendricks, charged as a Second Degree Murder in 1993, but he was convicted of a lesser crime of Involuntary Manslaughter BUT didn't spend a day in prison for that conviction because of the statute of limitations of ONLY 2 years. With the passage of HB 2082, this would not have happened.

Summary of facts: In 1988, Charlie Walker, 2½ years old, was beaten to death by Darryl Hendricks. He was never charged by the prior administration of the D.A.'s office because they felt since there were 3 adults in the home at the time, there was insufficient evidence to charge one, though Charlie's 5 year old brother, Shane, gave a statement that he SAW Hendricks beat his brother.

In 1993 after being elected D.A. and having the family of Charlie Walker contact me, I reviewed the case and charged Second Degree Murder since murder is the ONLY crime that does not have a statute of limitation.

In addition, you should know that in 1988, Kansas had NOT yet added child abuse as an felony to support felony-murder, 1st degree murder.

Because the State has to show that the Defendant intended to kill Charlie and not to just abuse him with the consequence being

death, the jury returned the lesser included offense of involuntary manslaughter (accidental death). During the jury trial, the State was NOT allowed to tell the jury that this Defendant might not have to spend anytime in prison IF he received any verdict but murder.

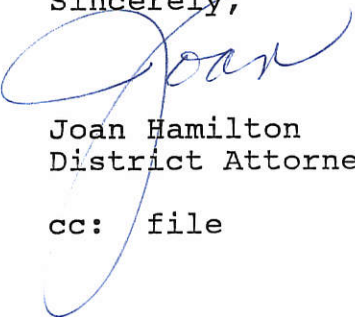
The State was then required to hold another jury trial for the statute of limitations' question only. This Defendant had left the state of Kansas and moved to New York. We tried with many out-of-state witnesses to try to prove the statute of limitations had "tolled" or stopped when he left Kansas, but with our proof being beyond a reasonable doubt, the State lost the trial, and Defendant walked out of the courtroom free.

If the statute of limitations had been like HB 2082, this would NOT have happened. The first jury had found this Defendant guilty of the death of a child --- yet he walked away free.

I am asking you to pass HB 2082 for all crimes, except the ones made an exception. However, if you feel that is too extreme, I do ask that you extend the statute of limitations in all cases that are LEVEL 5 AND ABOVE, AND also to extend the statute where there is any homicidal death of a person, including attempted and conspiracies. (Since involuntary manslaughter is a Level 5 person felony, any attempt or conspiracy to said crime would be less than a Level 5 crime.)

Again, I thank you for this opportunity to speak with you. If there are any questions, I can be available to address them. My number is 233-8200, Ext. 4399 (Sherry, legal assistant).

Sincerely,



Joan Hamilton  
District Attorney

cc: file

**TESTIMONY FOR HOUSE JUDICIARY COMMITTEE**  
**RE: House Bill 2082, Statute of Limitations**  
**January 27, 1999**

Dear Committee Members:

My name is Ed Collister. I am a practicing attorney in Lawrence and have been practicing there for approximately 27 years. I was an assistant Attorney General for 4+ years and an assistant County Attorney for a short period of time. I am a member of the Judicial Council Criminal Law Advisory Committee and have practiced in the area of criminal defense work, most of it in assigned counsel cases, while in private practice.

Because of an overriding interest I have in the ability of the court system to handle its responsibilities, I have taken an interest in prospective legislation in past years that I think will adversely impact the courts. I believe the impact of House Bill 2082 is one that will significantly impact the efficient operation of the courts, and as well have other side effects that I think should be of concern. My reasoning is as follows.

Statistics demonstrate significant case load changes, particularly in the criminal law area, in recent years on the entire court system. Attached to this testimony is an exhibit which demonstrates the case load figures. Of like significance are the figures relating to court and court personnel resources. The bottom line is this. Between 1990 and 1997, there was a 41% increase in civil case filings.



Between 1990 and 1997, there was a 46% increase in felony filings and a 20% increase in misdemeanor filings.

On the other hand, between 1990 and 1997, we had no new appellate judges; we added 4 additional district court judges for a 3% increase; and we added 15 non-judicial personnel positions for 1% increase.

We are requiring the courts to consider more business every year and we are not increasing the personnel ability of the court system to handle that increase correspondingly. The appellate court case load in filings between 1987 and 1997 was a 75% increase in cases and a 200% increase in motions. The lapse time in the Court of Appeals between the time a case is submitted on briefs and able to be set on the court's calendar is between 12 and 14 months. A similar type of problem is that of the trial courts. Tremendous volume increases, not much personnel increase.

Today my concern is not that we relook at past legislation, although that might be wise, but that we must more seriously consider the necessity of increasing problems for the court disposition of cases on a situation-by-situation basis as they come along.

Interestingly, one of the reports of the recent Justice Initiative Committee considered the issue in which I am interested. A quote from that report:

"The legislature should adopt an approach of consulting the Judicial Council on a more regular basis. The legislature could even incorporate a new 'judicial note' with proposed legislation. The judicial note would be similar to the fiscal notes now being used."



The thought implicit in this suggestion is important. Changes in the law, particularly changes where there is foreseen added complexity or added demand on resources, ought to be undertaken only when a demonstrated need exists.

#### **CURRENT LAW**

The statute of limitations on most non-serious cases today is two years. There is no statute of limitations on murder. There are extended statutes of limitations on sex crimes, Medicaid fraud crimes, and potentially some others contained in specific provisions of the statutes. There is also a process called "tolling" which holds in abeyance the expiration of time during the statute of limitations period under certain conditions, one of which is if the crime is concealed.

#### **STATUTE OF LIMITATION EXTENSION**

1. Extending a statute of limitations does nothing more than allow the attorneys to procrastinate and force a court to consider old and stale cases. A constitutional (as opposed to the statutory requirement) issue involving the right to speedy trial could be expected to be injected into almost any stale case. That is particularly a problem in a county like Douglas County where a number of witnesses over the course of a year's time could be expected to be students. Students are not here for long periods of time. We could expect that we would be taking additional court time to consider cases where one side or the other or both sides would have difficulty locating their witnesses. We

are just generating more business for the courts with an undemonstrated need therefore.

Let me talk for a minute about the relative resources of the prosecution versus the defense that are available in criminal law court action.

I use figures from Douglas County, only because I had easy access to them. I assume they are typical. The Douglas County District Attorney's office has one District Attorney and 9 assistant District Attorneys, 1 investigator and a budget of \$942,318 in fiscal year 1999. To aid in the investigation of criminal activity, law enforcement has 1 Sheriff and 28 deputies; the City of Lawrence has 125 police positions other than clerical plus a chief; and the law enforcement community has in addition to that an investigative potential of the entire Kansas Bureau of Investigation and its various experts, agents of the Alcohol Beverage Control, agents of the Department of Revenue, agents of the Attorney General's office, and perhaps agents of other state agencies with specialized law enforcement responsibilities. The prosecutor has at her disposal in addition to the investigative services expert witnesses from any of the four or five police labs in the State or Kansas City, Missouri on occasion, the offices of the Douglas County Coroner and on occasion outside forensic pathologists from in-state and out-of-state. Collectively quite an array of resources.

On the other side of the coin defense services has a total budget provided partly by the county and partly by the

State of approximately \$360,000 for a comparable year for attorney services alone. Expense for investigative and other necessary defense services is minuscule (or non-existent) compared to the available law enforcement budget. My point is that there is a tremendous amount of investigative and prosecutorial resource available to handle any case involving a crime which is revealed. If a crime is concealed, the statute of limitations does not run. There should be no problem with a 2-year statute of limitations for the crimes to which it now applies.

2. With this particular piece of legislation, I almost think there is an equally significant reason to avoid the 5-year statute of limitations and that is the public perception of how the law enforcement-criminal justice system works. We continually are confronted with public concern that the consequences of committing a crime do not speedily follow the commission of the crime. It is a perfectly logical public reaction. Increasing by 150% the time in which a trial may be commenced following the commission of the crime does nothing but add fuel to that fire. Not only does it do so perception-wise, but it allows the attorneys involved to utilize the time. Any of you who have a busy law practice know that there are several things that cause you to determine priority of business. One is the insistent telephone messages from a client, and the other is deadlines. If it were not for deadlines, we might not get a lot of our business concluded. Why extend this deadline?

3. Fairness: Reasonably swift resolution of criminal actions from time of commission of the act to imposition of the consequence is fair for the accused as well. At least, it is fair if we are talking about those who commit criminal acts who are not going to be lifetime criminals. Waiting for five years to have someone accused of a crime and then have it resolved somehow does not seem to be fair to anybody involved.

Ed Collister  
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1. **COURT STATISTICS** - Source - "Annual Report on the Courts of Kansas"

Cases	1990	1997	% Change
Civil	123,744	175,061	41% increase
Criminal			
Felony	12,197	17,832	46% increase
Misdemeanor	15,362	18,395	20% increase
Other (not including traffic)	56,808	57,361	1% increase

2. **COURT MANPOWER** - Source - "Annual Budget Requests, Approved"

	1990	1997	% Change
Appellate Judges	17	17	0%
District Court	218	225	3% increase
Staff (non-judicial personnel)	1,509	1,524	1% increase

3. **APPELLATE COURT CASE LOAD** - Source - "Report of Appellate Court Caseloads"

	1987	1997	% Change
Filings	1,128	1,980	75.5% increase
Motions	4,256	9,394	
Time Lapse		12-14 months after case submitted (briefs filed)	



State of Kansas

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TESTIMONY OF  
MARTHA HODGESMITH, DEPUTY ATTORNEY GENERAL  
BEFORE THE HOUSE JUDICIARY COMMITTEE  
RE: HB 2081  
MISTREATMENT OF A DEPENDENT ADULT  
JANUARY 27, 1999

Chairperson O'Neal and Members of the Committee:

My name is Martha Hodgesmith and I am the Deputy Attorney General for the Medicaid Fraud and Abuse Division of the Office of the Attorney General. On behalf of Attorney General Stovall I thank you for the opportunity to discuss HB 2081 - Mistreatment of a Dependent Adult; legislation that will enhance an existing tool used by prosecutors in their efforts to combat adult abuse, neglect and financial exploitation.

The 1998 Kansas Legislature passed HB 2185, which amended K.S.A. 39-1401, et seq., the statutory framework for dealing with investigation of adult abuse, neglect and financial exploitation. A major accomplishment of the 1998 legislation was conforming the two existing sets of definitions of abuse, neglect and financial exploitation found in Chapter 39. This conforming effort was necessary in order to ensure consistency in investigations pursued by the Departments of Health and Environment in institutional settings and Social and Rehabilitation Services in community settings.

Citizens of the State of Kansas who are vulnerable due to the effects of aging or physical or mental disabilities constitute a significant and identifiable segment of the population. It is an unfortunate reality that many dependent adults have become subjects of abuse, neglect or financial exploitation. Substantial public interest exists to ensure that these victims are protected and their abusers punished.

HB 2081, which amends the current Mistreatment of a Dependent Adult statute, K.S.A. 21-3437, will bring the existing law into conformity with the definitions in Chapter 39 enacted in 1998, including the addition of reckless acts of abuse of dependent adults. The victims of a reckless act of abuse deserve as much protection as the victim of intentional abuse. Fourteen other States proscribe reckless acts of abuse. A list of those states is attached to this testimony.

House Judiciary  
1-27-99  
Attachment 7

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Office of the Attorney General  
HB 2081  
January 27, 1999

HB 2081 also proposes an increase in the severity level for the offense of intentional abuse of a dependent adult. Abuse of a child is a severity level five, person felony and mistreatment of a dependent adult is currently a severity level six, person felony.

The increase in severity level is warranted for intentional abuse of a dependent adult for two reasons. First, those who intentionally abuse our dependent adults should face potential incarceration. The increase in severity level would allow judges to place those convicted of this offense in prison without having to depart from the guidelines sentence.

Second, our children **and** our dependent adults are far more susceptible to abuse than other citizens and by the nature of their status, less capable of resisting such abuse. We should give dependent adults the same protections we do our children. Likewise, we should punish those who abuse our elderly and dependent adults in a fashion similar to those who abuse our children.

Finally, HB 2081 amends the punishment levels for intentional financial exploitation of a dependent adult. Under current law, the punishment for financial exploitation is a Class A person misdemeanor, whether the amount of exploitation is \$100 or \$1 million. The proposed language seeks to match the punishment to the severity of the loss. For dependent adults, financial exploitation can be as devastating an act as being physically abused or neglected. The effect of age, physical or mental frailty and a lack of resources leaves many victims unable to pursue legal remedies to recover their losses. Thus, the long term impact of financial exploitation is a permanent, negative change in the lifestyle of a formerly independent, financially self sufficient person

Passage of HB 2081 will provide a more effective tool to use in supporting the work of law enforcement, prosecutors, the Kansas Departments on Aging, Health and Environment, and SRS, advocacy groups, and service providers who commit themselves to protecting Kansas citizens who cannot protect themselves. On behalf of the Attorney General I request your support of this bill.



State of Kansas

Office of the Attorney General

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ATTORNEY GENERAL

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SURVEY OF OTHER STATE STATUTES  
MISTREATMENT OF A DEPENDENT ADULT  
RECKLESS ACTS  
JANUARY 27, 1999

Fourteen states proscribe reckless acts of abuse:

Ala. Code § 38-9-7	Mo. Rev. Stat. § 565.182
Ariz. Rev. Stat. Ann. § 13-3623	N.C. Gen. Stat. § 14-32.2
Iowa Code Ann. § 726.7	N.M. Stat. Ann. § 30-47-3
Ky. Rev. Stat. Ann. § 209.990	Pa. Cons. Stat. Ann. § 2713
La. Rev. Stat. Ann. § 14:93.3	Vt. Stat. Ann tit. 33 § 6913
Mass. Gen. Laws Ann. ch. 265 § 13K	Wis. Stat. Ann. § 940.285
Mich. Comp. Laws Ann. § 750.145n	

Five states prohibit the reckless infliction of mental injury in their abuse statutes, including:

Ala. Code § 38-9-7(f)	Ky. Rev. Stat. Ann. § 508.120
720 ILCS § 5/12-19	Mich. Comp. Laws Ann. § 750.145n
Iowa Code Ann. § 726.7	





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*January 27, 1999*

## **HB 2081 Mistreatment of a Dependent Adult**

### **WRITTEN TESTIMONY**

**C**hairperson O'Neal and members of the Judiciary Committee, KANSAS STATE NURSES ASSOCIATION asks for your consideration and support of HB 2081 Mistreatment of a Dependent Adult, whose proposed changes provide greater uniformity and enforcement actions that align with other similar penalty sections in the effort to combat adult abuse, neglect and exploitation in the State of Kansas.

Registered nurses are concerned about the vulnerabilities that exist with the elderly and disabled and support legal protections that deter abuses and exploitation and enhance their quality of life. Often times it is registered nurses who identify these abuses and exploitation and have been often frustrated with the inadequate legal remedies available to pursue.

HB 2185 passed in 1998 amended the statutes dealing with adult abuse, neglect and exploitation to conform definitions of abuse, neglect and exploitation to insure investigations pursued by the Departments of Health and Environment and Social and Rehabilitation Services would protect all vulnerable individuals in both institutional and community settings.

HB 2081 proposes to amend the current Mistreatment of a Dependent Adult statute to bring uniformity with the definitions enacted in HB 2185 including the addition of reckless acts of abuse of dependent adults. KSNA supports the notion that the victims of a reckless act of abuse deserve the same protection as victims of intentional abuse.

In addition to creating uniformity in the definitions, HB 2081 increases the severity level of the offense of intentional abuse of a dependent adult to a level 5 person felony, consistent with the statute for abuse of a child. Lastly the intentional exploitation of a dependent adult penalties are graduated and mirror the Kansas theft statutes. This should make prosecution easier with a fairer approach for the judiciary.

**Thank You for Your Support**



# ***Kansas Council on Developmental Disabilities***

BILL GRAVES, Governor  
TOM ROSE, Chairperson  
JANE RHYS, Ph. D., Executive Director

Docking State Of. Bldg., Room 141, 915 Harrison  
Topeka, KS 66612-1570  
Phone (785) 296-2608, FAX (785) 296-2861

*"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"*

## **HOUSE JUDICIARY COMMITTEE**

**January 27, 1999**

Testimony in Regard to HB 2081.

Mr. Chairman, Members of the Committee, my name is Jane Rhys and I am appearing today on behalf of the Kansas Council on Developmental Disabilities in support of HB 2081 – Mistreatment of a Dependent Adult.

For two years I participated as a representative of the Council in the task force that reviewed and discussed proposed legislation to amend the Kansas Adult and Abuse laws, legislation that the 1998 Kansas Legislature passed in the form of HB 2185. A major accomplishment of the 1998 legislation was to modify definitions of abuse, neglect and exploitation to insure investigations by the Departments of Health and Environment and Social and Rehabilitation Services would accomplish the goals of protecting vulnerable people in both institutional and community settings.

Kansans who are vulnerable due to the effects of aging or disability make up a significant and identifiable segment of the population. Unfortunately, many of these adults have become subjects of abuse, neglect, or exploitation. I have personal experience through my Mother who developed Alzheimer's Disease before her death.

HB 2081 amends the current Mistreatment of a Dependent Adult statute to bring this law into conformity with the definitions enacted in 1998, including the addition of reckless acts of abuse of

dependent adults. We believe that the victims of a reckless act of abuse deserve as much protection as does the victim of intentional abuse.

In addition the proposed modifications of the definitions in HB 2081 increases the severity level for the offense of intentional abuse of a dependent adult. Abuse of a child is a severity level 5, person felony and mistreatment of a dependent adult is currently a severity level 6 person felony.

For two reasons, we believe that the increase in the severity level is needed for intentional abuse of a dependent adult.

- Persons who intentionally abuse our dependent adults *should* face potential incarceration. The increase in severity level permits judges throughout Kansas to place those convicted of this offense in prison, without having to depart from the sentence guidelines.
- Our children and our dependent adults are far more open to abuse than other Kansans. As such, the punishment for exploitation is a Class A misdemeanor, regardless of whether the amount of exploitation is \$50 or \$5 million. The proposed language equals the language found in theft statutes, thus matching the punishment to the severity of the loss. For dependent adults, financial exploitation can be as devastating an act as being physically abused or neglected. My Mother was sold a door for her house at an exorbitant price of \$3,000. On her very limited income of \$600 a month, this created a hardship!

Passage of HB 2081 will provide law enforcement, prosecutors, the Kansas Department of Aging, Health and Environment, and SRS, advocacy groups, and service providers with a valuable mechanism to use in protecting Kansans who cannot protect themselves.



As always, I appreciate greatly the opportunity to present the views of the Council to you and would be happy to answer any questions you may have.

Jane Rhys, Ph.D., Executive Director  
Kansas Council on Developmental Disabilities  
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**State of Kansas  
Department of Social  
& Rehabilitation Services**

Rochelle Chronister, Secretary  
Janet Schalansky, Deputy  
Secretary

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**House Judiciary Committee  
January 27, 1999**

**Testimony: HB 2081**

**Adult and Medical Services Commission  
Ann Koci, Commissioner  
(785) 296-5217**

Mr. Chairman and members of the Committee, thank you for allowing me to provide this testimony today concerning House Bill 2081.

The Department of Social and Rehabilitation Services supports HB 2081 and requests this Committee approve this legislation, which will provide significant changes to the current statutes and will add to the definition of what constitutes criminal adult abuse. Under the new definition, "reckless acts" are defined as "mistreatment of a dependent adult". It incorporates the statutory definition of "Abuse" found in K.S.A. 39-1430, which provides for investigation of vulnerable adults and provision of protective services.

The statutory change requested by the Attorney General would strengthen the severity of punishment for the mistreatment of a dependent adult. It will strengthen the ability of prosecutors to successfully try such cases and encourage advocates for victims to strive for the prosecution of adult abusers. The Kansas Department of Social and Rehabilitation Services believes that with the passage of this bill the health and safety of vulnerable adults will be enhanced.

# STATE OF KANSAS



## KANSAS DEPARTMENT ON AGING

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BILL GRAVES  
*Governor*

Thelma Hunter Gordon  
*Secretary of Aging*

Before the HOUSE JUDICIARY COMMITTEE  
Testimony in support of HB 2081  
January 27, 1999

On behalf of the Kansas Department on Aging, I welcome the opportunity to support the revisions proposed by the Attorney General contained in House Bill 2081. The primary concern of the Department on Aging is to support Kansas seniors' security, independence and dignity and to assure that life-options are available for them. Clearly, security must include freedom from every sort of abuse whenever and wherever it might occur. We believe it is imperative that prosecutors have legal authority to adequately address egregious abuse situations involving the physical or mental mistreatment by others or that which involves a fiduciary's abuse of his or her authority in representing a dependent adult. Prosecutors in the search of justice involving crimes of this type must be able to seek appropriate penalties.

We support the call for standardized definitions of abuse throughout the statutes relative to adults. At present, there is a serious discrepancy between reportable abuse and the criminal definition of abuse. This proposed legislation closes that gap and protects senior adults by providing criminal sanctions for abusive conduct where few sanctions have existed before. This change also assures that the definition for the reporting of abuse of dependent adults will apply to the definition of abuse in criminal cases.

During the last session, the legislature greatly enhanced the prosecutors' tools for dealing with financial exploitation by including financial abuse in the definition of abuse. However, the penalty for taking financial advantage of an individual by deprivation of their assets is a Class A misdemeanor regardless of whether the financial abuse involves \$500 or more than \$500,000. This bill addresses an obvious shortcoming of that legislation by providing that the penalties applied will be identical to those administered for theft crimes.

In closing, the Kansas Department on Aging aggressively supports the efforts of the Attorney General to seek justice for those persons who mistreat dependent adults. Therefore, I request your support of HB 2081 to protect our most vulnerable citizens.

Respectfully submitted,

Thelma Hunter Gordon  
Secretary of Aging



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Bill Graves  
Governor

Charles E. Simmons  
Secretary

## MEMORANDUM

DATE: January 27, 1999

TO: House Judiciary Committee

FROM: Charles E. Simmons  
Secretary of Corrections 

RE: HB 2092

HB 2092 was introduced by the Joint Committee on Corrections and Juvenile Justice Oversight. HB 2092, by amending K.S.A. 21-4603d, would expand the authority of the secretary of corrections to place inmates sentenced to the Department of Corrections in a conservation camp program. Current law authorizes the secretary to place in a conservation camp program inmates who have been sentenced to the department's custody as a result of a revocation of probation or as a departure from a presumptive nonimprisonment disposition. HB 2092 would grant the secretary authority to also place in a conservation camp program those inmates whose crimes are classified as falling within a "border box" of the sentencing guidelines grids.

Courts may sentence offenders who have committed an offense falling within a "border box" to prison or they may impose a nonprison sanction. Neither of those dispositions would constitute a departure under the Sentencing Guidelines Act. These sentencing grid boxes are specifically identified in HB 2092 as 5-H, 5-I, and 6-G of the nondrug grid and 3-E, 3-F, 3-G, 3-H, 3-I, 4-E, and 4-F of the drug grid. These grid blocks involve offenders whose criminal history is not greater than one nonperson felony and whose current offense is a Severity Level 6 nondrug offense or whose criminal history is no greater than 2 misdemeanor convictions when the current offense is a Severity Level 5 nondrug offense. Relative to drug offenses, the border boxes would apply only to those offenders whose criminal history does not involve a person felony or more than 3 non person felonies and the current offense is a Severity Level 3 or 4 offense. A listing of offenses and severity levels is attached.

House Judiciary Committee  
Re: HB 2092

Enactment of HB 2092 would embody the public policy established by the provisions of the Sentencing Guidelines Act regarding non departure dispositions and border boxes. Both the court and the secretary of corrections could place the same pool of offenders in the conservation camp program without departing from the guidelines' presumed dispositions. While HB 2092 expands the pool of inmates eligible for camp placement by the department, HB 2092 does not mandate the placement of any particular inmate. The department would select those inmates believed to be suitable for placement. HB 2092 retains the requirement that inmates selected by the department must also meet the admission criteria of the camp.

Irrespective of whether the court or the secretary of corrections places an offender in a conservation camp program, offenders who successfully complete the six-month conservation camp program are placed under six months of follow-up supervision by the appropriate community corrections services program. A court may also extend the supervision as authorized by K.S.A. 21-4611. Offenders who fail to successfully complete the conservation camp program are either returned to the sentencing court for further disposition which may include the imposition of a prison sentence, or are returned to a department of corrections facility for service of the remainder of their guidelines sentence, depending on whether the court or department placed the offender in the camp program.

The Labette Correctional Conservation Camp now has a capacity for 204 male offenders. The department has the option of placing not less than fifty male offenders in the LCCC program. Recently, the department has contracted for the construction and operation of a conservation camp for female offenders. That program will have a capacity of 32 female offenders, 17 of which can be assigned by the department. Enactment of HB 2092 would expand the pool of eligible inmates the department may place in a conservation camp program. This would facilitate the department's use of the camps as an alternative to incarceration in a correctional facility.

HB 2092 also proposes a technical change by deleting the language beginning at line 40 on page 1 through line 3 of page 2. That section treated dispositions involving offenses falling within 3-G, 3-H, and 3-I of the drug grid as if those grid boxes were "border boxes" relative to assignment to a conservation camp. The amendment of K.S.A. 21-4705 by L.1996, ch. 258 §11 which designated those drug grid blocks as "border boxes" rendered this language superfluous.

The department supports passage of HB 2092.

cc: Legislative file



FELONY CRIMES  
SORTED BY SEVERITY LEVEL THEN BY STATUTE NUMBER

REFERENCE	DESCRIPTION	F/M	LEVEL	P/N
65-4142(e)(2)	Knowingly or intentionally receiving or acquiring proceeds or engaging in transactions involving proceeds... ≥ \$5,000 < \$100,000	F	3D	N
65-4161(a)	Drugs; Opiates or narcotics; Sale, poss. w/intent to sell, etc.; first offense	F	3D	N
65-4163(a)	Drugs; Depressants, stimulants, hallucinogenics, etc.; Sale, possession w/intent to sel, etc.	F	3D	N
65-4142(e)(1)	Knowingly or intentionally receiving or acquiring proceeds or engaging in transactions involving proceeds known to be derived from any violation of the uniform controlled substances act, < \$5,000	F	4D	N
65-4152	Drugs; Poss. of paraphernalia w/intent to use for planting, growing, harvesting, manuf., etc. any controlled substance	F	4D	N
65-4160(a)	Drugs; Opiates or narcotics; Possession; first offense	F	4D	N
65-4162(a)	Drugs; Depressants, stimulants, hallucinogenics, etc.; Possession; second and subs.	F	4D	N
65-4164(a)	Drugs; Substances in K.S.A. 65-4113; Sale, possession with intent to sell, deliver, etc.	F	4D	N
H.Sub-SB264, §1(c)	Aggravated criminal threat; ≥ \$500 but less than \$25,000 loss of productivity	F	5	P
21-3440	Injury to a pregnant woman in commission of K.S.A. 21-3412 (aggravated assault), K.S.A. 21-3413(a)(1), battery or KSA 21-3517, sexual battery	F	5	P
21-3404	Involuntary manslaughter	F	5	P
21-3426	Robbery	F	5	P
21-3518	Aggravated sexual battery; intentional touching, without consent, who is ≥16 yoa; force, fear, etc.	F	5	P
21-3604a	Aggravated abandonment of a child	F	5	P
21-3609	Abuse of a child; involves child <18 yoa; intentional torture, cruelly beating, etc.	F	5	P
21-3716	Aggravated burglary	F	5	P
21-4219(b)	Criminal discharge of a firearm at occupied dwelling or vehicle resulting in bodily harm	F	5	P
21-3414(a)(2)(A)	Aggravated battery - reckless, great bodily harm	F	5	P
21-3503(a)(1)	Indecent liberties w/child; child ≥14 yoa, but <16 yoa; lewd fondling or touching	F	5	P
21-3503(a)(2)	Indecent liberties w/child; child ≥14 yoa, but <16 yoa; soliciting to engage in lewd fondling, etc.	F	5	P
21-3516(a)(1)*	Sexual exploitation of a child; employing, etc. child <18 yoa to engage in sexually explicit conduct	F	5	P
21-3516(a)(2)*	Sexual exploitation of a child; possessing visual medium of child <18 yoa engaging in such conduct	F	5	P
21-3516(a)(3)*	Sexual exploitation of a child; guardian permitting child <18 yoa to engage in such conduct	F	5	P
21-3516(a)(4)*	Sexual exploitation of a child; promoting performance of child <18 yoa to engage in such conduct	F	5	P
21-3603(a)(2)(A)	Aggravated incest; Otherwise lawful sexual intercourse or sodomy with relative ≥16 yoa, but <18 yoa	F	5	P
21-3718(b)(1)	Arson; damage resulting in loss of ≥ \$50,000	F	5	N
21-3826(c)(1)	Traffic in contraband in a correctional institution; firearms, ammunition, explosives, controlled substance	F	5	N
21-3826(c)(2)	Traffic in contraband in a correctional institution by an employee of a correctional insitution	F	5	N
44-5,125(a)(1)(vi)*	Worker's Compensation Fund fraud > \$100,000	F	5	N
21-3731(b)(2)	Criminal use of explosives intended to be used to commit a crime, a public safety officer is placed at risk to diffuse the explosive or if another human being is in the building where the explosives are used	F	6	P
	KSA 21-3414(a)(1)(B) and 21-3414(a)(1)(C))	F	6	P
H.Sub-SB 264, §1(b)	Aggravated criminal threat; < \$500 loss of productivity	F	6	P
21-3413(a)(2)	Battery against a correctional officer	F	6	P
21-3413(a)(3)	Battery against a juvenile correctional facility officer	F	6	P
21-3413(a)(4)	Battery against a juvenile detention facility officer	F	6	P
21-3413(a)(5)	Battery against a city/county correctional officer/employee	F	6	P
17-1253	Securities; intentional unlawful offers, sale or purchase	F	6	N
21-3411	Aggravated assault on law enforcement officer	F	6	P
21-3437	Mistreatment of a dependant adult - physical	F	6	P
21-3511(a)	Aggravated indecent solicitation of a child; <14 yoa to commit or submit to unlawful sexual act	F	6	P
21-3511(b)	Aggravated indecent solicitation of a child; <14 yoa, inviting, etc. to enter secluded place	F	6	P
21-3742(d)	Throwing objects from bridge or overpass; resulting in injury to a passenger of vehicle	F	6	P
21-3810(b)	Aggravated escape from custody; escape is facilitated by the use of violence or threat of violence	F	6	P
21-3826(d)	Traffic in contraband in a correctional institution	F	6	N
21-3829	Aggravated interference with conduct of public business	F	6	P
21-3833	Aggravated intimidation of a witness or victim	F	6	P
21-4215	Obtaining a prescription only drug by fraudulent means for resale	F	6	N
40-2,118	Insurance; Fraudulent acts in an amount of more than \$25,000	F	6	N
65-3441(c)	Hazardous Wastes; Knowingly violates unlawful acts included in paragraphs 1-11, subsection (a)	F	6	N
21-3513(b)(3)	Prostitution; Promoting prostitution when prostitute is <16 yoa	F	6	P
21-3718(b)(2)	Arson; damage resulting in loss of ≥ \$25,000, < \$50,000	F	6	N
21-3719(b)(2)	Aggravated arson; no substantial risk of bodily harm	F	6	P
44-5,125(a)(1)(iv)*	Worker's Compensation Fund fraud > \$50,000 < \$100,000	F	6	N