

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 408

As Amended by House Committee on Judiciary

Brief*

SB 408 would amend law relating to the abuse, neglect, and exploitation of persons and law relating to the duties and powers of the Attorney General.

The bill would amend the list of mandatory reporters of physical, mental, emotional, or sexual abuse of a child to include licensed behavior analysts and licensed assistant behavior analysts.

The bill would mandate that child abuse or neglect occurring in an institution operated by the Kansas Department for Aging and Disability Services (KDADS) be reported to an appropriate law enforcement agency. Existing law mandates such reports be made to the Attorney General. The bill also would clarify the reporting to an appropriate law enforcement agency of other child abuse or neglect by KDADS or the Department for Children and Families (DCF) employees or of children of persons employed by these departments.

The bill would mandate reports of child abuse or neglect occurring in an institution operated by the Kansas Department of Corrections (KDOC) be made to the Secretary of Corrections or to the Attorney General and would mandate suspected child abuse or neglect in such institution be investigated by the Attorney General or the Secretary. Investigations of child abuse or neglect by employees of KDADS and DCF would be handled by an appropriate law enforcement agency, in addition to investigations of

*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>

suspected abuse or neglect of children of KDADS and DCF employees.

The bill further defines the duties of the Abuse, Neglect, and Exploitation of Persons Unit (Unit) within the Office of the Attorney General by granting the Unit certain discretionary authority to do the following:

- Participate in the prevention, detection, review, and prosecution of abuse, neglect, and exploitation of persons, whether financial or physical;
- Conduct investigations of suspected criminal abuse, neglect, or exploitation of persons;
- Coordinate with and assist other law enforcement agencies, or participate in task forces or joint operations, in the investigation of suspected criminal abuse, neglect, or exploitation of persons;
- Coordinate with and assist the Medicaid Fraud and Abuse Division in the prevention, detection, and investigation of abuse, neglect, and exploitation of persons;
- Work with or participate in the Kansas Internet Crimes Against Children Task Force, and work with any exploited and missing child investigators and any other child crime investigators;
- Assist in any investigation of child abuse or neglect conducted by a law enforcement agency; and
- Assist in any investigations of adult abuse, neglect, exploitation, or fiduciary abuse conducted by a law enforcement agency.

The bill would specify that the first priority of the Unit would be to prevent, detect, and investigate abuse, neglect, or exploitation of vulnerable adults, such as senior citizens and the disabled. The Unit would have access to all records

relating to a substantiated or affirmed investigation of abuse, neglect, or exploitation of an adult upon request if the Attorney General has reasonable suspicion to believe such abuse, neglect, or exploitation has occurred. The Attorney General would be authorized to enter into agreements with other agencies or organizations to carry out the duties of this section. The bill would mandate state agencies report any matter involving suspected abuse, neglect, or exploitation of an adult to the Unit in addition to the appropriate law enforcement agency, and existing provisions regarding reporting are accordingly narrowed from “persons” to “adults.” The bill defines “adult” and “state agency” for the purposes of the Unit and clarifies the standard for case records the Unit may access is for those cases that are substantiated or affirmed.

Background

The bill was introduced in the Senate Committee on Corrections and Juvenile Justice at the request of the Attorney General. At the hearing before the Senate Committee on Judiciary, the Attorney General, the Executive Director of the Disability Rights Center of Kansas, and a private citizen testified in support of the bill. Written testimony in support of the bill was submitted by AARP Kansas and LeadingAge Kansas. A representative of DCF presented neutral testimony on the bill. No opponents testified at the hearing.

The Senate Committee on Judiciary amended the bill to incorporate changes suggested by the Attorney General and DCF.

In the hearing before the House Committee on Judiciary, the Attorney General and the Executive Director of the Disability Rights Center of Kansas testified in support of the bill. Representatives of DCF, AARP Kansas, and LeadingAge Kansas submitted written testimony supporting the bill. There was no opponent or neutral testimony.

The House Committee adopted amendments adding licensed behavior analysts and licensed assistant behavior analysts as mandatory reporters and giving the Attorney General concurrent jurisdiction with the Secretary of Corrections over cases of suspected child abuse or neglect in a KDOC institution.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill would have no fiscal effect.