

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2362**

As Recommended by House Committee on  
Judiciary

**Brief\***

HB 2362 would amend the elements of and severity levels for the crime of abuse of a child.

The bill would replace the current elements of the crime of abuse of a child with language stating abuse of a child is committing any of the following acts against a child under 18 years of age:

- Knowingly torturing, cruelly beating, cruelly striking, or cruelly kicking (this conduct would be a severity level 5 person felony if the child is at least 6 years of age but less than 18 years of age and a severity level 3 person felony if the child is under 6 years of age);
- Knowingly inflicting cruel and inhuman corporal punishment or knowingly using cruel and inhuman physical restraint, including caging or confining the child in a space not designated for human habitation or binding the child in a way that is not medically necessary (this conduct would be a severity level 5 person felony if the child is at least 6 years of age but less than 18 years of age and a severity level 3 person felony if the child is under 6 years of age);
- Recklessly causing great bodily harm, abusive head trauma, permanent disability, or disfigurement

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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>

(this conduct would be a severity level 4 person felony);

- Knowingly causing great bodily harm, abusive head trauma, permanent disability, or disfigurement (this conduct would be a severity level 3 person felony);
- Knowingly inflicting cruel and inhuman corporal punishment with a deadly weapon (this conduct would be a severity level 3 person felony); or
- Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck, or chest of the child or by blocking the nose or mouth of the child in a manner whereby death or great bodily harm could be inflicted (this conduct would be a severity level 3 person felony).

## **Background**

The bill was introduced by the House Committee on Judiciary at the request of the Kansas County and District Attorneys Association (KCDAA).

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

In the House Committee hearing on February 22, 2021, a representative of the KCDAA testified as a **proponent** of the bill, stating it would allow for more appropriate sentencing ranges for those who commit the offense. No other testimony was provided.

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill could increase the number of

cases filed in district courts, and could require more time spent by court employees and judges processing and hearing cases, but a fiscal effect cannot be estimated until the Judicial Branch has operated under the bill's provisions. Additional revenues could result from docket fees in any additional cases filed.

The Kansas Sentencing Commission estimates enactment of the bill would result in an increase of three prison admissions in FY 2022 and four prison admissions by FY 2031, as well as an increase of three prison beds needed in FY 2022 and 25 prison beds needed by FY 2031.

The Department of Corrections states enactment of the bill would not have a fiscal effect on the agency.

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

Abuse of a child; elements; penalties