

Mistreatment of a Dependent Adult or Elder Person; Absconding from Supervision; Sureties; Delivery of a Person Arrested; Certificate of Identification; Parole and Postrelease Supervision Guidance; HB 2121

HB 2121 amends the penalties for the crime of mistreatment of a dependent adult or elder person, defines the term “absconds from supervision,” amends law regarding sureties and delivery of a person arrested, amends law concerning proof of identity documents accepted for the issuance of a replacement driver’s license, and requires the Secretary of Corrections to develop guidance for parole officers to use while supervising offenders on parole and postrelease supervision.

Mistreatment of a Dependent Adult or Elder Person

The bill amends 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.

Absconding from Supervision

The bill adds a definition of “absconds from supervision” to the Kansas Code of Criminal Procedure (Code). The bill defines the term to mean knowingly avoiding supervision or knowingly making the defendant’s whereabouts unknown to the defendant’s supervising court services officer or community correctional services officer.

The bill also adds a definition of “absconded from supervision” in a statute relating to parole. The bill defines the term to mean knowingly avoiding supervision or knowingly making the defendant’s whereabouts unknown to the defendant’s supervising parole officer, court services officer, or community correctional services officer.

Sureties; Delivery of a Person Arrested

The bill amends law related to sureties in the Code to state any person who is released on an appearance bond may be arrested and delivered to a custodial officer of the court by a surety or surety’s designee in the county where the complaint subject to the bond was filed. Under former law, sureties seeking discharge of an appearance bond may do so in any county in the state in which the person is charged.

The bill defines “custodial officer of the court” as the sheriff or keeper of the jail in the county.

Certification of Identification

The bill expands the list of proof of identity documents accepted by the Division of Vehicles, Kansas Department of Revenue, for the issuance of a replacement driver’s license to include a certification of identification issued by a court services officer. The bill specifies such certification could be issued by a supervising agency to offenders under probation supervision of such agency.

Parole and Postrelease Supervision Guidance

The bill requires the Secretary of Corrections to develop guidance for parole officers to use while supervising offenders on parole and postrelease supervision. The bill requires the guidance to include intervention responses to behavior that constitutes a violation of parole or postrelease supervision and incentive responses to compliant behavior and pro-social achievements.