



Kansas County & District Attorneys Association

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To: Chairman Patton and Members of the House Judiciary Committee

From: Kim T Parker

Kansas County and District Attorneys Association

Date: March 18th, 2019

Re: Proponent Testimony for House Bill 2394

Good Afternoon Chairman Patton and Committee Members,

Thank you for the opportunity to provide proponent testimony for HB2394. I am addressing you on behalf of the Kansas County and District Attorney's Association and the many Kansas prosecutors they represent.

This house bill seeks to address the legal and factual questions that have plagued the determination of criminal liability as it applies when individuals commit acts of abuse against children. Kansas current abuse of a child statute lumps all acts of child abuse together as Severity Level 5 offenses regardless of the severity or degree of harm to a child and regardless of the level of intentionality by the offender. This results in law enforcement and prosecutors looking to other criminal statutes such as Battery, Aggravated Battery, Kidnapping and Aggravated Kidnapping to appropriately and proportionately charge the offender with a crime that matches the child abuse event(s).

The reality is; acts of child abuse vary significantly in the type of abuse inflicted, the intentionality of the offender and the resulting harm to the child. Should the consequences to an offender be less because the acts are against a child rather than an adult.

In addition, when acts of abuse of a child are charged as they are currently as battery, aggravated battery or other crimes there is no official accounting that distinguishes acts against a child from acts against an adult. The end result is that acts of child abuse statistically go uncounted in crime data reports as they are not distinguished from Battery, Aggravated Battery, Kidnapping, Aggravated Kidnapping currently charged against adults.

This legislation is extremely important to proportionately respond to extreme and serious abuse of a child. We intend to work closely with law enforcement to adjust this legislation to address their concerns. Everyday law enforcement and prosecutors are relied upon in all situations to fairly and justly assess levels of intentionality and recklessness as defined by the Kansas criminal code.

In addition, we will work to ensure that law enforcement and prosecutors continue to apply the same criteria and appropriate discretion as they the investigate, arrest, and prosecute instances of child abuse. This legislation continues to require law enforcement and prosecutors to carefully, thoughtfully and appropriately distinguish acts of reasonable, non-abusive, and accidental behavior from legally unreasonable, reckless, knowing acts of violence, maltreatment and abusive acts against a child.

We urge the passage of this important measure HB2394. Thank you for your consideration.

Kim T Parker

Prosecutor Coordinator

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