



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: January 28th, 2019

Re: Proponent Testimony for House Bill 2468

Good Afternoon Chairman Patton and Committee Members,

Thank you for the opportunity to provide proponent testimony for HB2468. 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 when individuals commit acts of abuse against children. Kansas current Abuse of a Child statute generally considers all acts of child abuse 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 builds disproportionality within the Abuse of Child Statute and it results in law enforcement and prosecutors looking to other criminal statutes such as Battery, Aggravated Battery, or other crimes, to more appropriately and proportionately respond to the abuse inflicted upon the child.

The acts of child abuse vary significantly in the type of abuse inflicted, the intentionality of the offender and the resulting harm to the child. Other criminal statutes that address violent and abusive conduct toward an adult recognize the differences in the degree of harm inflicted and the graduated levels of intentionality or criminal culpability. The bill seeks to remedy the absurdity of treating all child abuse the same and is similar to the Battery and Aggravated Battery statutes. We urge this body to acknowledge that the criminal consequences to an offender when abusive violent acts are perpetrated against a child be at least as severe as they are when abusive violent acts are committed against and adult.

This change to the Abuse of Child statute is also important to allow for a more accurate statistical picture of the extent of child abuse in our state. When acts of abuse of a child are charged by law enforcement and prosecutors under more general persons crimes such as Battery, Aggravated Battery, or other crimes there is no official accounting that distinguishes acts against a child from acts against and adult. This results in acts of child abuse to go uncounted in crime data reports as they are not distinguishable from Battery, Aggravated Battery, or other person crimes typically committed against adults.

Therefore, this legislation is extremely important to proportionately respond to extreme and serious abuse of a child and allow for more accurate statistical data that reflects child abuse offenses in our state.

Our association is dedicated to the fair and just enforcement of the law and 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 enhances the duty and obligation of 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 HB2468. Thank you for your consideration.

Kim T Parker

Prosecutor Coordinator

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