

Continued

JUN 11 2 8 1991

SENATE FILE
BY RITTNER

263

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act increasing the penalties for wanton neglect of a resident
2 of a health care facility.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 263

1 Section 1. Section 726.7, Code 1991, is amended to read as
2 follows:

3 726.7 WANTON NEGLECT OF A RESIDENT OF A HEALTH CARE
4 FACILITY.

5 1. A person commits wanton neglect of a resident of a
6 health care facility when the person knowingly acts in a
7 manner likely to be injurious to the physical, mental, or
8 moral welfare of a resident of a health care facility as
9 defined in section 135C.1. ~~Wanton neglect of a resident of a~~
10 ~~health care facility is a serious misdemeanor.~~

11 2. A person who commits wanton neglect of a resident of a
12 health care facility which results in serious injury to the
13 resident is guilty of a class "C" felony.

14 3. A person who commits wanton neglect of a resident of a
15 health care facility which does not result in serious injury
16 to the resident is guilty of an aggravated misdemeanor.

17 EXPLANATION

18 This bill increases the penalties for wanton neglect of a
19 resident of a health care facility. Current law provides that
20 this offense is a serious misdemeanor, with a maximum term of
21 imprisonment of one year, a fine not to exceed \$1,000, or
22 both. The bill provides that wanton neglect of a resident of
23 a health care facility resulting in serious injury is a class
24 "C" felony, with a maximum term of ten years and the
25 additional possibility of a fine not to exceed \$10,000.
26 Wanton neglect of health care facility residents not resulting
27 in serious injury is an aggravated misdemeanor, with a maximum
28 penalty of imprisonment not to exceed two years, a fine not to
29 exceed \$5,000, or both.

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SENATE FILE 263
FISCAL NOTE

A fiscal note for Senate File 263 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 263 increases the penalties for wanton neglect of a resident of a health care facility. Current law provides that this offense is a serious misdemeanor. Senate File 263 makes wanton neglect of a health care facility resident, which results in serious injury, a Class C felony. Wanton neglect of a health care facility resident which does not result in serious injury would be an aggravated misdemeanor.

It is not possible to predict the number of offenders who would be sentenced under this legislation. However, Senate File 263 may increase prison admissions, Community Based Corrections' caseloads, and county jail costs. An aggravated misdemeanor is punishable by up to 2 years in confinement (county jail or State prison) or may be sentenced to probation with supervision provided by Community Based Corrections. A Class C felony is punishable by no more than 10 years in a State prison.

Source: Department of Corrections

(LSB 1486ss, BAL)

LED MARCH 20, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR