

JAN 3 1 2005
PUBLIC SAFETY

HOUSE FILE 156
BY FORD

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

A BILL FOR

1 An Act relating to dependent adult abuse and providing criminal
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 156

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1 Section 1. Section 235B.1, subsection 4, paragraph a,
2 subparagraph (1), Code 2005, is amended to read as follows:

3 (1) Advise the ~~director-of-human-services, the director-of~~
4 ~~elder-affairs, the director-of-inspections-and-appeals, the~~
5 ~~director-of-public-health, the director-of-the-department-of~~
6 ~~corrections, and the director-of-human-rights-regarding~~
7 departments charged with the responsibility of addressing
8 dependent adult abuse.

9 Sec. 2. Section 235B.2, subsection 5, paragraph a,
10 subparagraph (1), unnumbered paragraph 1, Code 2005, is
11 amended to read as follows:

12 Any of the following as a result of the willful or
13 negligent acts or omissions of a caretaker person:

14 Sec. 3. Section 235B.2, subsection 5, paragraph a, Code
15 2005, is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (4) Any mental injury to a dependent
17 adult's intellectual or psychological capacity as evidenced by
18 an observable and substantial impairment in the dependent
19 adult's ability to function within the dependent adult's
20 normal range of performance and behavior as the result of the
21 acts or omissions of a person, if the impairment is diagnosed
22 and confirmed by a licensed physician or qualified mental
23 health professional as defined in section 622.10.

24 Sec. 4. Section 235B.2, subsection 5, paragraph b,
25 subparagraph (2), Code 2005, is amended to read as follows:

26 (2) Circumstances in which ~~the dependent adult's caretaker~~
27 a person, acting in accordance with the dependent adult's
28 stated or implied consent, declines medical treatment on
29 behalf of the dependent adult if the dependent adult holds a
30 belief or is an adherent of a religion whose tenets and
31 practices call for reliance on spiritual means in place of
32 reliance on medical treatment.

33 Sec. 5. Section 235B.20, subsections 2 through 8, Code
34 2005, are amended to read as follows:

35 2. A caretaker person who intentionally commits dependent

1 adult abuse on a dependent adult in violation of this chapter
2 is guilty of a class "C" felony if the intentional dependent
3 adult abuse results in serious injury.

4 3. A caretaker person who recklessly commits dependent
5 adult abuse on a dependent adult in violation of this chapter
6 is guilty of a class "D" felony if the reckless dependent
7 adult abuse results in serious injury.

8 4. A caretaker person who intentionally commits dependent
9 adult abuse on a dependent adult in violation of this chapter
10 is guilty of a class "C" felony if the intentional dependent
11 adult abuse results in physical injury.

12 5. A caretaker person who commits dependent adult abuse by
13 exploiting a dependent adult in violation of this chapter is
14 guilty of a class "D" felony if the value of the property,
15 assets, or resources exceeds one hundred dollars.

16 6. A caretaker person who recklessly commits dependent
17 adult abuse on a person in violation of this chapter is guilty
18 of an aggravated misdemeanor if the reckless dependent adult
19 abuse results in physical injury.

20 7. A caretaker person who commits dependent adult abuse by
21 exploiting a dependent adult in violation of this chapter is
22 guilty of a simple misdemeanor if the value of the property,
23 assets, or resources is one hundred dollars or less.

24 8. A caretaker person alleged to have committed a
25 violation of this chapter shall be charged with the respective
26 offense cited, unless a charge may be brought based upon a
27 more serious offense, in which case the charge of the more
28 serious offense shall supersede the less serious charge.

29 EXPLANATION

30 This bill relates to dependent adult abuse and provides
31 criminal penalties.

32 The bill provides that the dependent adult abuse advisory
33 council is to advise not only the director of human services
34 and the administrator of the division of child and family
35 services regarding dependent adult abuse, but is to advise the

1 departments charged with addressing dependent adult abuse.

2 The bill expands the definition of who may commit dependent
3 adult abuse to include any person who willfully or negligently
4 acts or fails to act in a certain manner in regard to a
5 dependent adult. Current law limits such a person to a
6 caretaker, defined in Code section 235B.2, as a related or
7 nonrelated person who has the responsibility for the
8 protection, care, or custody of a dependent adult as a result
9 of assuming the responsibility voluntarily, by contract,
10 through employment, or by order of the court.

11 The bill further expands the definition of dependent adult
12 abuse to include any mental injury to a dependent adult's
13 intellectual or psychological capacity.

14 The bill provides that a person who commits the crime of
15 dependent adult abuse commits a class "C" felony, a class "D"
16 felony, an aggravated misdemeanor, or a simple misdemeanor,
17 depending on the respective offense. A class "C" felony is
18 punishable by confinement for no more than 10 years and a fine
19 of at least \$1,000 but not more than \$10,000. A class "D"
20 felony is punishable by confinement for no more than five
21 years and a fine of at least \$750 but not more than \$7,500.
22 An aggravated misdemeanor is punishable by confinement for no
23 more than two years and a fine of at least \$500 but not more
24 than \$5,000. A simple misdemeanor is punishable by
25 confinement for no more than 30 days or a fine of at least \$50
26 but not more than \$500 or by both.

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