



2009 ASSEMBLY BILL 955

April 14, 2010 - Introduced by Representatives PASCH, ZIGMUNT, TURNER, ZIEGELBAUER, BENEDICT, ZEPNICK, BLACK, SMITH, SINICKI and ROYS, cosponsored by Senators ROBSON, TAYLOR and VINEHOUT. Referred to Committee on Public Health.

1 **AN ACT** *to create* 940.295 (4) of the statutes; **relating to:** abuse and neglect of
2 patients and residents.

Analysis by the Legislative Reference Bureau

Under current law, no person may abuse or neglect a person who is a patient or resident at a care facility, adult day care, foster home, group home, hospice, or other inpatient health care facility, or who is at risk for abuse or neglect due to a mental or physical impairment. The penalty for abuse or neglect depends on the severity of the damage done to the patient, resident, or at-risk person and whether the actor acted intentionally, recklessly, or negligently.

For example, a person who commits an intentional or reckless act that causes the death of a patient, resident, or at-risk person is guilty of a Class C felony and may be fined up to \$100,000, imprisoned for up to 40 years, or both. A person who commits a negligent act that results in the death of a patient, resident, or at-risk person is guilty of a Class D felony and subject to the same fine but a maximum of 25 years in prison. A person who acts intentionally, recklessly, or negligently but does not cause harm or create a risk of harm to a patient, resident, or at-risk person is guilty of a Class B misdemeanor and may be fined up to \$1,000, imprisoned for up to 90 days, or both.

Under current law, conduct is "reckless" if it creates an unreasonable risk of death or harm to, and demonstrates a conscious disregard for, the safety of a patient, resident, or at-risk person. An act, omission, or course of conduct is "negligent" if the actor should realize that it creates a substantial and unreasonable risk of death or harm.

