



2009 SENATE BILL 657

March 31, 2010 - Introduced by Senators ROBSON, TAYLOR and VINEHOUT, cosponsored by Representatives PASCH, ZIGMUNT, TURNER, ZIEGELBAUER, BENEDICT, ZEPNICK, SINICKI, BLACK, SMITH and ROYS. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

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.

