

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Criminal Justice Committee

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BILL: SB 96

SPONSOR: Senators Margolis and Fasano

SUBJECT: Protection and Care of Elders

DATE: February 9, 2005

REVISED: \_\_\_\_\_

|    | ANALYST         | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|-----------------|----------------|-----------|------------------|
| 1. | <u>Erickson</u> | <u>Cannon</u>  | <u>CJ</u> | <b>Favorable</b> |
| 2. | _____           | _____          | <u>CF</u> | _____            |
| 3. | _____           | _____          | <u>JA</u> | _____            |
| 4. | _____           | _____          | _____     | _____            |
| 5. | _____           | _____          | _____     | _____            |
| 6. | _____           | _____          | _____     | _____            |

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## I. Summary:

Senate Bill 96 increases the felony degree of the offense of aggravated abuse of an elderly or disabled person from a second degree felony to a first degree felony.

The bill also requires that certified law enforcement personnel receive training in the identification and investigation of elder abuse and neglect.

This bill substantially amends ss. 825.102 and 921.002, F.S., and creates s. 943.17296, F.S.

## II. Present Situation:

### Criminal Penalties

Chapter 825, F.S., is the current criminal penalty statute for abuse, neglect, and exploitation of elderly persons and disabled adults. Section 825.102(2), F.S., provides that it is a second degree felony to commit aggravated abuse of an elderly person or disabled adult. This offense is ranked in Level 8 of the Criminal Punishment Code's offense severity ranking chart. s. 921.002(3)(h), F.S.

### Law Enforcement Training

The Florida Department of Law Enforcement (FDLE) has informed staff that the Criminal Justice Professionalism Program is responsible for maintaining the curriculum (addressed in the bill) for the required training. The FDLE further informed staff that this curriculum is already in place and is being used in the CMS Basic Recruit Training, and is available as an advanced course for officers currently certified.

**III. Effect of Proposed Changes:**

Senate Bill 96 amends s. 825.102, F.S., to increase the penalty for aggravated abuse of an elderly person or disabled adult from a second degree felony to a first degree felony. Section 921.0022, F.S., the Criminal Punishment Code's offense severity ranking chart, is amended to make conforming changes. The current ranking of the offense in level 8 is unaffected by the bill.

The bill also creates s. 943.17296, F.S., which requires certified law enforcement officers to receive training in identification and investigation of abuse and neglect either as a part of basic recruit training or through continuing education before June 30, 2008. The training is to be developed in consultation with the Department of Elderly Affairs and must incorporate instruction on identification of and appropriate responses for persons suffering from dementia and on identifying and investigating elder abuse and neglect. If an officer fails to meet the required training, the officer's certification becomes inactive until the employing agency notifies the Criminal Justice Standards and Training Commission that the officer has completed the training.

According to the FDLE, the curriculum (addressed in the bill) is already available on a voluntary basis. The bill would make this training mandatory. The training is currently voluntary, not mandatory. The bill, if passed, would require some programming changes to the ATMS system, which is the system that maintains all records for certified officers in Florida.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Office of Economic and Demographic Research estimates that the increase in the felony degree of the offense of aggravated abuse of an elderly person or disabled adult will likely have an insignificant prison bed impact. This is a preliminary estimate; a final estimate must be provided by the Criminal Justice Impact Conference.

The FDLE has not indicated any fiscal impact on the department as a result of the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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