

## STATEMENT OF PURPOSE

### RS24138

This is one of the bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the law as required under article V, section 25 of the Idaho Constitution. The crime of abuse or neglect of a vulnerable adult is defined in I.C. § 18-1505. The offense is a felony if the abuse or neglect is likely to produce great bodily harm or death; otherwise it is a misdemeanor. However, the statute defines "neglect" as a failure of a caretaker to provide certain basic needs "in such a manner as to jeopardize the life, health and safety of the vulnerable adult." The conjunctive "and" means that proving neglect requires a showing that the life of the vulnerable adult was jeopardized, in addition to his or her health or safety. This appears to make all neglect of a vulnerable adult a felony. It seems more likely that the Legislature intended that acts jeopardizing the health or safety of a vulnerable adult, but not necessarily his or her life, would also be an offense that would be punishable as a misdemeanor. This bill would correct the statute by requiring only that the act of neglect jeopardized the life, health or safety of the vulnerable adult.

### FISCAL NOTE

This bill would have no impact on the general fund.

#### Contact:

Barry Wood, Senior District Judge  
(208) 334-2246