Session of 2025

HOUSE BILL No. 2253

By Committee on Agriculture and Natural Resources

Requested by Representatives Schwertfeger and Steele on behalf of the Kansas Cattlemen's Association and the Kansas Livestock Association

2-4

AN ACT concerning crimes, punishment and criminal procedure; relating to theft of property; providing that the violation the theft of livestock or implements of husbandry is a severity level 5, nonperson felony; allowing for the forfeiture of property used in the commission of theft of an implement of husbandry; amending K.S.A. 21-5801 and 22-4807a and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 21-5801 is hereby amended to read as follows: 21-5801. (a) Theft is any of the following acts done with intent to permanently deprive the owner of the possession, use or benefit of the owner's property or services:

(1) Obtaining or exerting unauthorized control over property or services;

(2) obtaining control over property or services, by deception;

(3) obtaining control over property or services, by threat;

(4) obtaining control over stolen property or services knowing the property or services to have been stolen by another; or

(5) knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.

(b) Theft of:

(1) Property or services of the value of $100,000 or more is a severity level 5, nonperson felony;

(2) property or services of the value of at least $25,000 but less than $100,000 is a severity level 7, nonperson felony;

(3) property or services of the value of at least $1,500 but less than $25,000 is a severity level 9, nonperson felony, except as provided in subsection (b)(7) *or (b)(9)*;

(4) property or services of the value of less than $1,500 is a class A nonperson misdemeanor, except as provided in subsection (b)(5), (b)(6), (b)(7) ~~or~~, (b)(8) *or (b)(9)*;

(5) property of the value of less than $1,500 from three separate

mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;

(6) property of the value of at least $50 but less than $1,500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two or more times;

(7) property that is a firearm of the value of less than $25,000 is a severity level 9, nonperson felony; ~~and~~

(8) property that is mail of the value of less than $1,500 from three separate locations within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony*; and*

(9) property that is livestock or an implement of husbandry is a severity level 5, nonperson felony.

(c) As used in this section:

(1) "Conviction" or "convicted" includes being convicted of a violation of K.S.A. 21-3701, prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;

(2) *"implement of husbandry" means the same as defined in K.S.A. 8-126, and amendments thereto;*

(3) "livestock" means the same as defined in K.S.A. 22-4807a, and amendments thereto;

(4) "mail" means a letter, postal card, package or bag sent through the United States postal service or other delivery service, or any other article or thing contained therein;

~~(3)~~*(5)* "regulated scrap metal" means the same as defined in K.S.A. 2024 Supp. 50-6,109, and amendments thereto;

~~(4)~~*(6)* "remote service unit" means the same as defined in K.S.A. 9-1111, and amendments thereto, and includes, but is not limited to, automated cash dispensing machines and automated teller machines; and

~~(5)~~*(7)* "value" means the value of the property or, if the property is regulated scrap metal or a remote service unit, the cost to restore the site of the theft of such regulated scrap metal or remote service unit to its condition at the time immediately prior to the theft of such regulated scrap metal or remote service unit, whichever is greater.

Sec. 2. K.S.A. 22-4807a is hereby amended to read as follows: 22-4807a. (a) The following property is subject to forfeiture pursuant to this act:

(1) Contraband property used or intended to be used in the

commission of theft of livestock *or an implement of husbandry*;

(2) the proceeds gained from the commission of theft of livestock *or an implement of husbandry*;

(3) personal property acquired with proceeds gained from the commission of theft of livestock *or an implement of husbandry*;

(4) all conveyances, including aircraft, vehicles, vessels, horses or dogs ~~which~~ *that* are used or intended for the use to transport or in any manner to facilitate the transportation for the purpose of the commission of theft of livestock *or an implement of husbandry*. No conveyance used by any person as a common carrier in the transportation of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act. No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owners thereof to have been committed or omitted without the owners knowledge or consent. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party or parties;

(5) all books, records and research products and materials ~~including microfilm, tapes and data which~~*, whether in a physical or electronic format, that* are used or intended for the use in the theft of livestock *or an implement of husbandry*;

(6) everything of value furnished, or intended to be furnished*,* or traded or used as payment or invested for anything of value but shall not include real property. It may be presumed that this property was acquired with proceeds gained from the commission of theft of livestock *or an implement of husbandry* and are subject to forfeiture.

(b) Property ~~which~~ *that* is used in the commission of theft of livestock ~~which~~ *or an implement of husbandry that* has title of ownership with two parties on the title or a cosigner is subject to forfeiture, if one party on the title uses the property in the commission of theft of livestock *or an implement of husbandry* or receives titled property as the proceeds of such felony even if the second party claims that such second party did not have knowledge or involvement in such felony.

(c) As used in this act:

(1) "Contraband property" means property of any nature including personal, tangible or intangible but ~~shall~~ *does* not include real property.

(2) *"Domesticated deer" means any member of the family cervidae that was legally obtained and is being sold or raised in a confined area for:*

(A) Breeding stock;

(B) any carcass, skin or part of such animal;

(C) exhibition; or

(D) companionship.

(3) "Implement of husbandry" means the same as defined in K.S.A. 8-126, and amendments thereto.

(4) "Livestock" means cattle, swine, sheep, goats, horses, mules, domesticated deer and all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas, and any carcass, skin or part of such animal.

~~(3)~~*(5)* "Theft of livestock" means theft ~~which is classified as a felony violation,~~ pursuant to K.S.A. 21-5801*(b)(9)*, and amendments thereto~~, in which the property taken was livestock~~.

~~(4) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for breeding stock; for any carcass, skin or part of such animal; for exhibition; or for companionship.~~

Sec. 3. K.S.A. 21-5801 and 22-4807a are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.