

SENATE BILL No. 401

By Senator Journey

1-19

9 AN ACT concerning crimes, criminal procedure and punishment; relat-
10 ing to theft of a rifle, shotgun or firearm; amending K.S.A. 2005 Supp.
11 21-3701 and repealing the existing section.
12

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

14 Section 1. K.S.A. 2005 Supp. 21-3701 is hereby amended to read as
15 follows: 21-3701. (a) Theft is any of the following acts done with intent
16 to deprive the owner permanently of the possession, use or benefit of the
17 owner's property:

18 (1) Obtaining or exerting unauthorized control over property;
19 (2) obtaining by deception control over property;
20 (3) obtaining by threat control over property; or
21 (4) obtaining control over stolen property knowing the property to
22 have been stolen by another.

23 (b) (1) Theft of property of the value of \$100,000 or more is a severity
24 level 5, nonperson felony.

25 (2) Theft of property of the value of at least \$25,000 but less than
26 \$100,000 is a severity level 7, nonperson felony.

27 (3) Theft of property of the value of at least \$1,000 but less than
28 \$25,000 is a severity level 9, nonperson felony.

29 (4) Theft of property regardless of the value from three separate mer-
30 cantile establishments within a period of 72 hours as part of the same act
31 or transaction or in two or more acts or transactions connected together
32 or constituting parts of a common scheme or course of conduct is a se-
33 verity level 9, nonperson felony.

34 (5) Theft of property of the value of less than \$1,000 is a class A
35 nonperson misdemeanor.

36 (6) *Theft of property, when the property is a rifle, shotgun or firearm*
37 *valued at less than \$1,000, is a severity level 10, nonperson felony.*

38 ~~(6)~~ (7) Theft of property of the value of less than \$1,000 is a severity
39 level 9, nonperson felony if committed by a person who has been con-
40 victed of theft two or more times.

41 (c) Conviction of a violation of a municipal ordinance prohibiting acts
42 which constitute theft as defined by this section shall be considered a
43 conviction of theft for the purpose of determining the number of prior

- 1 convictions and the classification of the crime under this section.
- 2 Sec. 2. K.S.A. 2005 Supp. 21-3701 is hereby repealed.
- 3 Sec. 3. This act shall take effect and be in force from and after its
- 4 publication in the statute book.