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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 10, 2025
Subject: Bill Brief for HB 2349 (As Introduced)

House Bill 2349 authorizes law enforcement officers to conduct investigations of violations of the scrap metal theft reduction act, establishes criminal penalties for certain violations of the act, and permits municipalities to enact or enforce ordinances, resolutions, and regulations relating to scrap metal that are not in conflict with the act.

Section 1 amends K.S.A. 50-6,109a, the statute that gives the attorney general jurisdiction and authority over all matters involving the implementation, administration, and enforcement of the provisions of the scrap metal theft reduction act. The bill continues the attorney general's jurisdiction and adds that Kansas law enforcement officers are authorized to conduct investigations of violations of the scrap metal theft reduction act. Upon conclusion of an investigation, investigative reports shall be submitted to the attorney general regardless of whether any local action was taken as a result of such investigation. In addition, any local enforcement action taken for a violation of the scrap metal theft reduction act shall be reported to the attorney general.

Section 2 amends K.S.A. 50-6,109c, the statute that authorizes a civil penalty to be imposed on any scrap metal dealer who violates the scrap metal theft reduction act. The bill adds a new subsection (d) to provide criminal penalties for knowingly committing a violation of K.S.A. 50-6,110 or 50-6,111 by: (1) Avoiding the reporting requirements of such section; (2) using a false description of the items sold or purchased; (3) concealing the true identity of the seller; or (4) accepting items a scrap metal dealer is prohibited from accepting pursuant to such section. Violation of this subsection is a class B nonperson misdemeanor on a first occurrence and a class A nonperson misdemeanor upon a second or subsequent conviction. The bill also adds a new subsection (e) to provide criminal penalties for knowingly committing a violation of K.S.A. 50-6,112a by: (1) Purchasing scrap metal while the registration required in K.S.A. 50-6,112a is

suspended or revoked; or (2) committing two or more violations of purchasing scrap metal without registering as required in K.S.A. 50-6,112a. Violation of this subsection is a class A nonperson misdemeanor. [Note: references in the bill on page 4, lines 10, 12, and 14, to "K.S.A. 50-6,112" should be to "K.S.A. 50-6,112a".]

Section 3 amends K.S.A. 50-6,109f, the statute that prohibits a municipality from enacting or enforcing any ordinance, resolution, or regulation relating to the implementation, administration, and enforcement of the provisions of the scrap metal theft reduction act. The bill amends this provision to permit a municipality to enact an ordinance, resolution, or regulation on and after July 1, 2025, if such enactment is not in conflict with the scrap metal theft reduction act and any criminal or civil penalty for violation of such enactment is the same as the penalty prescribed for the comparable violation of the scrap metal theft reduction act.

The bill would take effect from and after publication in the statute book, July 1, 2025.