



TO: Chairperson Humphries and the House Judiciary Committee

SUBJECT: Proponent Testimony on House Bill No. 2349

FROM: Trevor Macy, Wichita Police Department

DATE: February 10, 2025

I appreciate the opportunity to testify on behalf of the Wichita Police Department regarding House Bill 2349. The department strongly supports the proposed changes outlined in the bill as scrap metal theft is impacting our community and local police need access to the businesses where the stolen metal is being sold.

Passed in 2015, the current statute, KSA 50-6,109a, known as the Scrap Metal Theft Reduction Act, was a good idea that was never fully realized. Its purpose was to create a statewide system to track scrap metal sales to help reduce the resale of stolen metal. Under the law, all enforcement powers were taken from local agencies and centered with the Attorney General's Office. High turnover of state investigators and an expansive state has made it difficult to enforce through a single office. The statute has no criminal penalties for dealer violations and it prevents municipalities from enacting local ordinances to monitor the scrap metal trade.

Scrap dealers are required to gather information from the people who sell metal such as catalytic converters. This information includes a copy of the driver's license of the seller, a description of the item, signed statement from seller that the item is not stolen, vehicle description and license plate number for seller, and other identifying information to ensure the items are not stolen. Yet, because local police are not authorized to enforce this state law, they are not able to regularly monitor the businesses to ensure compliance. Yet they know violations are occurring. On one occasion Wichita police saw 8 boxes of catalytic converters worth \$20,000-\$40,000 per box being loaded onto a truck, yet the company collecting the parts did not have the proper paperwork tracing the items. In fact, that scrap dealer did not know there was a requirement to collect a statement from the seller that the item was not stolen.

In a 2022 investigation of a Wichita scrap yard with the Office of the Attorney General, agents and Wichita Police found that most of the transactions at the business were

missing several pieces of information. The majority had no title, transaction ticket, copy of seller identification, photographs of the vehicle received, or seller vehicle tag. The large number of bad VINs indicated that the business was not verifying VINS or determining the lawful owner. This business was found to have repeat customers who presented multiple stolen vehicles or vehicles with incorrect VINs.

The examples of bad business practices are few because local law enforcement is not authorized to enforce this state statute. When the Office of the Attorney General is short on investigators, the scrap trade goes unchecked.

The amendments to this bill do not weaken its original purpose, which is to have a statewide tracking system for the sale of scrap metal. Allowing local law enforcement agents to join in the enforcement effort will strengthen the program and deter illegal sales to the scrap yards. Allowing municipalities to enact a limited number of ordinances to control illegal sales of scrap metal will help the state in its pursuit of civil penalties against dealers who break the rules.

Thank you for considering the importance of this amendment and for allowing me to testify before this committee on behalf of the Wichita Police Department.