

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 13, 2025
Subject: Bill Brief for HB 2253 (As Introduced)

House Bill 2253 makes the theft of livestock or implements of husbandry a severity level 5, nonperson felony and adds theft of implements of husbandry to the statute that authorizes forfeiture of property used in the theft of livestock.

Section 1 amends K.S.A. 21-5801, the crime of theft. Under current law, theft of property that is livestock or an implement of husbandry would be punished based on the value of the property involved: \$100,000 or more is a severity level 5, nonperson felony; at least \$25,000 but less than \$100,000 is a severity level 7, nonperson felony; at least \$1,500 but less than \$25,000 is a severity level 9, nonperson felony; and less than \$1,500 is a class A nonperson misdemeanor. The bill provides that theft of property that is livestock or an implement of husbandry is a severity level 5, nonperson felony. "Livestock" means the same as defined in K.S.A. 22-4807a and "implement of husbandry" means the same as defined in K.S.A. 8-126.

Section 2 amends K.S.A. 22-4807a, the criminal procedure statute that authorizes forfeiture of property used in the theft of livestock. Under current law, the following property is subject to forfeiture under this statute: (1) Contraband property used or intended to be used in the commission of theft of livestock; (2) the proceeds gained from the commission of theft of livestock; (3) personal property acquired with proceeds gained from the commission of theft of livestock; (4) all conveyances 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; (5) all books, records and research products and materials that are used or intended for the use in the theft of livestock; and (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. The bill adds theft of an implement of husbandry throughout the section to authorize forfeiture in such cases.

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

K.S.A. 8-126 – definition of "implement of husbandry"

(r) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. "Implement of husbandry" includes, but is not limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung; and
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.