

HOUSE BILL No. 2347

By Committee on Judiciary

Requested by Marlee Carpenter on behalf of the City of Wichita and the Wichita Police Department

2-7

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to theft; changing the culpability required for certain types of theft;
3 increasing the criminal penalty when the property is a motor vehicle;
4 amending K.S.A. 21-5801 and repealing the existing section.
5

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

7 Section 1. K.S.A. 21-5801 is hereby amended to read as follows: 21-
8 5801. (a) Theft is any of the following acts done with intent to
9 permanently deprive the owner of the possession, use or benefit of the
10 owner's property or services:

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

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

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

15 (4) obtaining control over stolen property or services knowing, *or*
16 *having reason to know*, the property or services ~~to have been~~ *were* stolen
17 ~~by~~ *from* another; or

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

22 (b) Theft of:

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

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

27 (3) property or services of the value of at least \$1,500 but less than
28 \$25,000 is a severity level 9, nonperson felony, except as provided in
29 subsection (b)(7);

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

33 (5) property of the value of less than \$1,500 from three separate
34 mercantile establishments within a period of 72 hours as part of the same

1 act or transaction or in two or more acts or transactions connected together
2 or constituting parts of a common scheme or course of conduct is a
3 severity level 9, nonperson felony;

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

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

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

16 (9) *property that is a motor vehicle of the value of less than \$1,500 is*
17 *a severity level 10, nonperson felony.*

18 (c) As used in this section:

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

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

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

27 (4) "remote service unit" means the same as defined in K.S.A. 9-
28 1111, and amendments thereto, and includes, but is not limited to,
29 automated cash dispensing machines and automated teller machines; and

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

35 Sec. 2. K.S.A. 21-5801 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.