

## HOUSE BILL No. 2697

By Committee on Judiciary

Requested by Steve Kearney on behalf of Johnson County District Attorney Steve Howe

2-4

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to crimes involving property; modifying the crime of unlawful acts  
3 involving theft detection shielding devices to include possessing, with  
4 the intent to commit theft, a computer program, application, software or  
5 other device adapted, designed or commonly used to operate a lock or  
6 locks on or start a motor vehicle without an ignition key or key fob, or  
7 to copy, store information relating to, or interfere with those functions  
8 and providing for exceptions; amending K.S.A. 21-5805 and repealing  
9 the existing section.

10

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

12 Section 1. K.S.A. 21-5805 is hereby amended to read as follows: 21-  
13 5805. (a) It shall be unlawful to:

14 (a)(1) Manufacture or distribute in any way a laminated or coated bag  
15 or device particular to and intentionally marketed for shielding and  
16 intended to shield merchandise from detection by electronic or magnetic  
17 theft alarm sensor;

18 (b)(2) possess any laminated or coated bag or device particular to and  
19 designed for shielding and intended to shield merchandise from detection  
20 by an electronic or magnetic theft alarm sensor, with the intent to commit  
21 theft;

22 (c)(3) possess any tool or device designed to allow the removal of any  
23 theft detection device from any merchandise with the intent to use such  
24 tool to remove any theft detection device from any merchandise without  
25 the permission of the merchant or person owning or holding such  
26 merchandise; or

27 (d)(4) possess one or more fraudulent retail sales receipts or universal  
28 product code labels or possessing the device which manufactures  
29 fraudulent retail sales receipts or universal product code labels with the  
30 intent to cheat or defraud a retailer. A person having possession, custody or  
31 control of 15 or more such receipts or labels or such device shall be  
32 presumed to possess such items with the intent to cheat or defraud a  
33 retailer; or

34 (5) possess, with the intent to commit theft, a computer program,

1       *application, software or other device adapted, designed or commonly used*  
2       *to:*

3           (A) *Operate a lock on or start a motor vehicle without an ignition key*  
4       *or fob;*

5           (B) *copy and store information relating to operating a lock on or*  
6       *starting a motor vehicle; or*

7           (C) *interfere with the ability to operate a lock on or start a motor*  
8       *vehicle.*

9       (f)(b) Violation of this section is a severity level 9, nonperson felony.

10       (c) *The provisions of this section shall not apply to:*

11       (1) *Any person who is a dealer of new or used motor vehicles;*

12       (2) *a car rental company or agent;*

13       (3) *a locksmith;*

14       (4) *an employee of a towing service;*

15       (5) *an employee of an automotive repair business;*

16       (6) *a person who is lawfully repossessing a motor vehicle;*

17       (7) *a law enforcement officer when such officer is acting within the*  
18       *scope of such officer's official duties or employment; or*

19       (8) *a business that has a key-cutting device located and used on the*  
20       *premises for the purpose of making replacement keys for the owner or*  
21       *person who has lawful possession of a motor vehicle.*

22       Sec. 2. K.S.A. 21-5805 is hereby repealed.

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