

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2422

As Recommended by House Committee on
Judiciary

Brief*

HB 2422 would amend the crime of theft to address grain.

Under the bill, theft of grain would be classified as a severity level 6 nonperson felony.

As defined by the bill, the term “grain” would mean at least 400 bushels of:

- Barley;
- Corn;
- Flaxseed;
- Oats;
- Rye;
- Sorghum;
- Soybeans;
- Wheat;
- Any other food grains, feed grains, and oilseeds subject to federal oilseeds standards as in effect on July 1, 2026; or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Any mix of the listed grains.

The bill would also make technical and conforming amendments.

Background

The bill was prefiled for introduction by Representative Schwertfeger.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by Representative Schwertfeger, representatives of the Kansas Cooperative Council, Kansas Grain and Feed Association, and Pride Ag Resources. The proponents generally stated the importance of farming operations in Kansas and stated increasing the criminal penalty for theft of grain would deter future crime.

Written-only proponent testimony was provided by Representative Steele and representatives of Ag Partners Cooperative, Kansas Farm Bureau, and Kansas Sorghum Producers.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Board of Indigents' Defense Services (Board) indicates enactment of the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, a severity level 6 nonperson felony case requires 57 hours of direct work by an attorney to provide constitutionally adequate representation. Because the Board's offices are currently operating at capacity, any new crimes would

increase the number of cases referred to private counsel, who is compensated at a rate of \$125 per hour. Based on the rate, each new severity level 6 nonperson felony case would result in State General Fund (SGF) expenditures of \$7,125. The Board further notes that these cases would currently be charged as a severity level 9 nonperson felony, which average 35 hours of attorney work. Therefore, each new case under the bill that would have been charged as a severity level 9 nonperson felony previously would result in increased expenditures of \$2,750.

The Sentencing Commission indicates the bill has the potential to increase prison admissions and the number of prison beds needed; however, a precise estimate cannot be determined. The Department of Corrections indicates the bill has the potential to increase agency operating expenditures, depending on its effect on prison admissions and beds.

The Judicial Branch indicates that by increasing the severity of penalties for certain crimes, the bill has the potential to decrease the amount of offender supervision performed by court services officers, which would result in a decrease in the amount of supervision fee revenue deposited into the Correctional Supervision Fund and the SGF. However, the Judicial Branch is unable to calculate a precise estimate of this effect. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties and League of Kansas Municipalities indicate the bill would not have a fiscal effect on local government entities.

Crimes; penalties; theft; grain