

House Bill No. 2938

By Representatives DiVita, Faber, Merrick, Miller, Judy Morrison,
Palmer and D. Williams

2-13

AN ACT relating to crimes against property; concerning shoplifting; es-
tablishing a minimum amount and exempting juvenile offenders in
limited situations; amending K.S.A. 2001 Supp. 21-3701 and repealing
the existing section.

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

Section 1. K.S.A. 2001 Supp. 21-3701 is hereby amended to read as
follows: 21-3701. (a) Theft is any of the following acts done with intent
to deprive the owner permanently of the possession, use or benefit of the
owner's property:

- (1) Obtaining or exerting unauthorized control over property;
- (2) obtaining by deception control over property;
- (3) obtaining by threat control over property; or
- (4) obtaining control over stolen property knowing the property to
have been stolen by another.

(b) (1) Theft of property of the value of \$25,000 or more is a severity
level 7, nonperson felony.

(2) Theft of property of the value of at least \$500 but less than
\$25,000 is a severity level 9, nonperson felony.

(3) Theft of property ~~regardless of the value~~ *of the value of \$50 each
or more* from three separate mercantile establishments within a period
of 72 hours as part of the same act or transaction or in two or more acts
or transactions connected together or constituting parts of a common
scheme or course of conduct is a severity level 9, nonperson felony. *A
juvenile shall not be adjudicated a juvenile offender under the provisions
of this subsection.*

*(4) Notwithstanding the provisions of subsection (b)(3), a juvenile
shall not be adjudicated as a juvenile or adult offender unless the total
amount of property stolen is equal or greater than \$500. For total amounts
less than \$500, a juvenile shall be adjudicated separately for each act or
transaction.*

~~(4)~~ (5) Theft of property of the value of less than \$500 is a class A
nonperson misdemeanor.

~~(5)~~ (6) Theft of property of the value of less than \$500 is a severity

1 level 9, nonperson felony if committed by a person who has, within five
2 years immediately preceding commission of the crime, been convicted of
3 theft two or more times.

4 Sec. 2. K.S.A. 2001 Supp. 21-3701 is hereby repealed.

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43