

CHAPTER 24
HOUSE BILL No. 2606

AN ACT concerning crimes, punishment and criminal procedure; relating to theft of services; amending K.S.A. 2005 Supp. 21-3704 and repealing the existing section.

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

Section 1. K.S.A. 2005 Supp. 21-3704 is hereby amended to read as follows: 21-3704. (a) Theft of services is obtaining services from another by deception, threat, coercion, stealth, tampering or use of false token or device.

(b) "Services" within the meaning of this section, includes, but is not limited to, labor, professional service, cable television service, public or municipal utility or transportation service, telephone service, lodging, entertainment and the supplying of equipment for use. *For purposes of this section, rural water districts and rural electric cooperatives shall be considered public utilities.*

(c) "Tampering" within the meaning of this section, includes, but is not limited to:

(1) Making a connection of any wire, conduit or device, to any service or transmission line owned by a public or municipal utility, or by a cable television service provider;

(2) defacing, puncturing, removing, reversing or altering any meter or any connections, for the purpose of securing unauthorized or unmeasured electricity, natural gas, *water*, telephone service or cable television service;

(3) preventing any such meters from properly measuring or registering;

(4) knowingly taking, receiving, using or converting to such person's own use, or the use of another, any electricity, *water* or natural gas which has not been measured; or any telephone or cable television service which has not been authorized; or

(5) causing, procuring, permitting, aiding or abetting any person to do any of the preceding acts.

(d) In any prosecution under this section, the existence of any of the connections of meters, alterations or use of unauthorized or unmeasured electricity, natural gas, *water*, telephone service or cable television service, specified in subsection (c), shall be prima facie evidence of intent to violate the provisions of this section by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, *water*, telephone service or cable television service passing through such connections or meters, or using the electricity, natural gas, *water*, telephone service or cable television service which has not been authorized or measured.

(e) (1) Theft of services of the value of \$100,000 or more is a severity level 5, nonperson felony.

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

(3) Theft of services of the value of at least \$1,000 but less than \$25,000 is a severity level 9, nonperson felony.

(4) Theft of services of the value of less than \$1,000 is a class A nonperson misdemeanor.

Sec. 2. K.S.A. 2005 Supp. 21-3704 is hereby repealed.

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

Approved March 21, 2006.
