

SESSION OF 2004

**SECOND REVISED
CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2271**

As Agreed to May 3, 2004

Brief *

HB 2271 amends the theft and theft of services laws to do the following:

- ! Theft (of property or services) valued over \$100,000 is made a severity level 5, nonperson felony;
- ! Theft (of property or services) of at least \$25,000 but less than \$100,000 is made a severity level 7, nonperson felony;
- ! Theft (of property or services) of at least \$1,000 but less than \$25,000 is a severity level 9, nonperson felony (the former threshold was \$500);
- ! Theft (of property or services) of less than \$1,000 is a class A misdemeanor;
- ! The five-year proviso in the prior theft law making second and subsequent misdemeanor theft crimes committed within the past five years a level 9, nonperson felony is stricken, thereby making any subsequent misdemeanor theft a level 9, nonperson felony.

Under prior law, theft or theft of services with a value of \$25,000 or more is a severity level 7, nonperson felony; of \$500 but less than \$25,000 is a level 9, nonperson felony; and of less than \$500 is a class A misdemeanor.

The bill adds game warden dogs to the list of dogs (such as arson dogs and assistance dogs, etc.) that if injured, disabled, or

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killed, constitutes a criminal act punishable as a class A nonperson misdemeanor. These provisions are from HB 2621.

In addition, the bill provides that the penalty for a second or subsequent conviction of rape is punishable as a persistent sex offender, allowing up to a doubling of the sentence.

Finally, the bill repeals the crime of hypnotic exhibition, defined as "giving for entertainment any instruction, exhibition, demonstration or performance in which hypnosis is used or attempted; or permitting oneself to be exhibited for entertainment while in a state of hypnosis." Hypnotic exhibition was classified as a misdemeanor punishable by a fine of not to exceed \$50. These provisions are from SB 337.

Conference Committee Action

The House acceded to all Senate amendments to the bill. In addition, the Conference Committee agreed to the following:

- ! Delete the provisions of endangering a child by selling methamphetamines, which were inserted by the Senate Committee of the Whole.
- ! Delete the provisions of aggravated battery against a law enforcement officer, which were inserted by the Senate Committee of the Whole.
- ! Delete the provisions dealing with explosives. These were from HB 2525.
- ! Amend in SB 337.
- ! Amend in HB 2621.

Background

Those who appeared in support of the original bill, dealing with theft and theft of services, included the Riley County Attorney. Opposition to the original bill was expressed on behalf of the Kansas Chamber of Commerce and Industry.

The fiscal note on the bill, as drafted, indicates the prison population would be reduced by 50 to 117 beds by the end of FY 2004 and by 58 to 143 beds by the end of 2013. Any decrease in inmate population would result in budget savings, estimated at \$2,000 per capita for basic support. The Kansas Department of Corrections may also incur savings of between \$100,000 and \$234,000 by the end of FY 2004. Savings for health care could also incur.