

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2347**

As Agreed to March 25, 2025

Brief*

HB 2347 would amend and create laws related to the crimes of theft, buying sexual relations, criminal use of a financial card, and unlawful use of a laser pointer.

The bill would make technical amendments to remove outdated statutory references and to ensure consistency in statutory phrasing.

Theft—Culpability and Motor Vehicles

The bill would change the required culpability of a person obtaining control over stolen property or services contained within the theft statute from “knowing” such property or services were stolen from another to a requirement the person “has reason to know” such property or services were stolen from another.

The bill also would make theft of a motor vehicle that is valued between \$500 and \$1,500 a severity level 10 nonperson felony.

Buying Sexual Relations

The bill would increase criminal penalties and amend laws concerning diversion agreements for buying sexual relations, require certain offenders to complete an educational or treatment program regarding commercial sexual exploitation, and require the Attorney General (AG) to approve such programs in consultation with the Office of Judicial Administration (OJA).

Educational or Treatment Programs Regarding Commercial Sexual Exploitation

The bill would require, prior to July 1, 2026, the AG, in consultation with OJA, to approve one or more educational or treatment programs regarding commercial sexual exploitation.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <https://klrd.gov/>

The bill would require the AG to adopt rules and regulations governing the educational or treatment programs on or before January 1, 2026. The bill would require the rules and regulations to include, but not be limited to:

- Criteria for the evaluation, approval, and monitoring of such programs;
- Any form required to implement such programs;
- Any requirements for staff who will be directly providing services to clients of such programs; and
- Any report, record, or other information that may be required to be kept and maintained by such programs.

The bill would require these educational or treatment programs to be completed by persons convicted after July 1, 2026, of human trafficking, commercial sexual exploitation of a child, or buying sexual relations, if ordered by a court. For convictions occurring prior to this date, a court could, but would not be required to, order a suitable educational or treatment program.

For convictions of buying sexual relations occurring prior to July 1, 2026, a court would be required to order a suitable educational or treatment program, while a person convicted after that date would be required to complete an AG-approved program. [*Note: Current law provides discretion for a court in ordering a person convicted of buying sexual relations to complete a suitable educational or treatment program.*]

Increased Penalties for Buying Sexual Relations

Under current law, the offense of buying sexual relations is classified as a class A person misdemeanor on a first offense and a severity level 9, person felony on a second or subsequent offense. The bill would reclassify all violations of buying sexual relations as a severity level 9 person felony and increase the minimum fine amount from \$1,200 to \$2,000.

The bill would also amend the Code for Municipal Courts to remove references to misdemeanor violations of city ordinances prohibiting persons from buying sexual relations.

Diversion Agreements for Buying Sexual Relations

The bill would amend law concerning diversion agreements entered into in lieu of further criminal proceedings for a violation of buying sexual relations to prohibit a person from entering into a diversion agreement if such person has entered into a diversion agreement for a violation of a municipal ordinance that prohibits buying sexual relations, when the violation occurred prior to July 1, 2025.

Criminal Use of a Financial Card—Gift Cards

The bill would amend the crime of criminal use of a financial card to include certain conduct involving gift cards and would define related terms.

The bill would redesignate the crime as criminal use of a financial card or gift card, and would add the following conduct as an act constituting the crime, when committed with the intent to defraud and to obtain money, goods, property, or services:

- Acquiring or retaining possession of a gift card or gift card redemption information without consent of the cardholder, issuer, or seller; or
- Altering or tampering with a gift card.

The bill would provide that conduct involving a gift card would be classified and penalized in the same manner as conduct involving a financial card in continuing law, as follows:

- Severity level 7 nonperson felony if the money, goods, property, or services obtained within a seven-day period are of the value of \$25,000 or more;
- Severity level 9 nonperson felony if the money, goods, property, or services obtained within a seven-day period are of the value of at least \$1,000 but less than \$25,000; and
- Class A nonperson misdemeanor if the money, goods, property, or services obtained within a seven-day period are of the value of less than \$1,000.

Definitions

The bill would add definitions of “closed-loop gift card,” “gift card,” “gift card issuer,” “gift card redemption information,” “gift card seller,” and “open-loop gift card,” and would amend the definition of “cardholder” to mean:

- The person or entity to whom or for whose benefit a financial card is issued; or
- The person to whom a physical or virtual gift card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a gift card to another person.

Unlawful Use of a Laser Pointer

The bill would create the crime of unlawful use of a laser pointer and would establish related penalties in the Kansas Criminal Code.

The crime would be defined as knowingly directing light from a laser pointer at:

- A law enforcement officer engaged in the performance of the officer’s duties, which would be a class A person misdemeanor; or
- An aircraft in flight or the flight path of an aircraft, which would be a severity level 9 person felony.

The bill would exempt certain persons from the application of the crime:

- Any person who is authorized by an aircraft manufacturer or the Federal Aviation Administration to conduct research and development or flight test operations, while conducting such research or flight tests;
- Members or elements of the U.S. Department of Defense or U.S. Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training; or
- An individual using a laser emergency signaling device to send an emergency distress signal.

“Laser pointer” would be defined by the bill as a device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

The bill would specify that anyone who commits the crime of unlawful use of a laser pointer may also be prosecuted for, convicted of, and punished for assault or battery.

Conference Committee Action

The Conference Committee agreed to the provisions of HB 2347, regarding theft, as passed by the Senate, and further agreed to add the contents of:

- SB 71, regarding buying sexual relations, as amended by the House Committee on Judiciary;
- SB 84, regarding criminal use of a gift card, as passed by the Senate; and
- SB 156, unauthorized use of a laser pointer, as passed by the Senate.

Background

The Conference Committee added the contents of SB 71, as amended by the House Committee on Judiciary; SB 84, as passed by the Senate; and SB 156, as passed by the Senate to HB 2347, as passed by the Senate.

HB 2347 (Theft—Culpability and Motor Vehicles)

HB 2347 was introduced by the House Committee on Judiciary at the request of a representative of the Wichita Police Department.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by a representative of the Wichita Police Department and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association. The proponents generally stated the bill would allow prosecutors to prosecute theft by possession as intended, and increasing the penalty on low-value motor vehicle theft is commensurate with the harm done to the victim.

No other testimony was provided.

The Committee amended the bill to remove the criminal penalty increase for theft of a motor vehicle with a value less than \$1,500. [Note: The Conference Committee retained this amendment.]

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the Wichita Police Department; a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; and a private citizen. The testimony from the first two proponents was substantially similar to that in the House Committee hearing. The private citizen voiced support for stronger initial penalties for all types of criminal activity.

Written-only proponent testimony was provided by a representative of the National Insurance Crime Bureau.

No other testimony was provided.

The Senate Committee amended the bill to reinsert a modified version of the felony penalty for motor vehicle theft that was removed by the House Committee. [Note: The Conference Committee retained this amendment.]

SB 71 (Buying Sexual Relations)

SB 71 was introduced by the Senate Committee on Judiciary at the request of Senator Dietrich.

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by the Shawnee County District Attorney; a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association; two representatives of Project 2 Restore; and representatives of the District 5710 Rotary Foundation, International Public Policy Institute, ReHope, Shawnee County District Attorney's Office, Twilight Lions, and YWCA Northeast Kansas. The proponents stated the bill would decrease human trafficking by increasing the punishment for those buying sexual relations. The proponents generally stated that this increase in punishment would decrease demand and thereby decrease human trafficking.

Written-only proponent testimony was provided by Representative Barrett; representatives of the Kansas Catholic Conference and the Office of the Attorney General (OAG); two representatives of ReHope; and two private citizens.

No other testimony was provided.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by the Shawnee County District Attorney; a representative of Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs' Association; two representatives of Project 2 Restore; and representatives of Altus Solutions, Inc., International Association of Forensic Nurses, ReHope, and Shawnee County District Attorney's Office. The proponents provided testimony that was substantially similar to proponent testimony provided in the Senate Committee hearing.

Written-only proponent testimony was provided by a private citizen and representatives of International Public Policy Institute, Kansas Catholic Conference, MoReb Forensic Nurse Consulting, OAG, and YWCA of Northeast Kansas.

Written-only neutral testimony was provided by a representative of the State Board of Indigents' Defense Services (BIDS).

No other testimony was provided.

The House Committee adopted an amendment to clarify language governing the application of diversion agreements for violations of ordinances that occur prior to the effective date of the bill. [*Note: The Conference Committee retained this amendment.*]

SB 84 (Criminal Use of a Financial Card—Gift Cards)

SB 84 was introduced by the Senate Committee on Judiciary at the request of a representative of the Kansas Chamber of Commerce.

Senate Committee on Judiciary

In the Senate Committee hearing, a representative of the Kansas Chamber provided **proponent** testimony, stating that the bill would provide an answer to the increasing occurrence of fraud involving gift cards.

Written-only **opponent** testimony was provided by a representative of BIDS.

No other testimony was provided.

House Committee on Judiciary

In the House Committee hearing, a representative of the Kansas Chamber provided **proponent** testimony that was substantially similar to the testimony provided in the Senate Committee hearing.

Written-only proponent testimony was provided by a representative of the Kansas City, Kansas, Chamber of Commerce.

Written-only neutral testimony was provided by a representative of BIDS.

The House Committee amended the bill to make it effective upon publication in the *Kansas Register*. [Note: The Conference Committee did not retain this amendment.]

SB 156 (Unlawful Use of a Laser Pointer)

SB 156 was introduced by the Senate Committee on Judiciary at the request of Senator Owens.

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association and representatives of the Kansas State Troopers Association (KSTA) and the Kansas Public Transit Association (KPTA). The proponents generally agreed that the bill would help to address the increasing use of laser pointers against aircraft during law enforcement events. The KPTA representative requested an amendment to apply the crime to operators of public transportation services and add a sentence enhancement for individuals assaulted in the performance of their employment.

Written-only proponent testimony was provided by a representative of the Kansas Agricultural Aviation Association.

Written-only neutral testimony was provided by a representative of BIDS.

No other testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by a representative of the KSTA and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association. The proponents provided testimony that was substantially similar to testimony provided in the Senate Committee hearing.

Written-only neutral testimony was provided by a representative of BIDS.

No other testimony was provided.

The House Committee amended the bill to change the effective date to be upon publication in the *Kansas Register*. [Note: The Conference Committee did not retain this amendment.]

Fiscal Information

HB 2347 (Theft—Culpability and Motor Vehicles)

According to the fiscal note prepared by the Division of the Budget on HB 2347, as introduced, the Sentencing Commission indicates enactment of the bill has the potential to increase prison admissions and the number of prison beds needed; however, a precise estimate of this effect cannot be determined. The Department of Corrections indicates enactment of the bill could increase agency operating expenditures by a negligible amount that could be accommodated within existing resources.

The Judicial Branch indicates that enactment of the bill would have a negligible fiscal effect on its operations. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties and the League of Kansas Municipalities indicate the bill has the potential to increase local government expenditures on enforcement and legal proceedings; however, a precise estimate of this effect cannot be determined.

SB 71 (Buying Sexual Relations)

According to the fiscal note prepared by the Division of the Budget on SB 71, as introduced, the OAG indicates enactment of the bill would increase expenditures by \$148,409 in FY 2026 and \$103,329 in FY 2027 from the State General Fund (SGF). The FY 2026 amount includes a one-time request for \$50,000 for the process of reviewing potential vendors and to prepare the rules and regulations required under the bill. The FY 2027 amount includes a 5.0 percent increase from the ongoing FY 2026 amount.

The Kansas Sentencing Commission estimates enactment of the bill would result in the increase of three adult prison beds needed by the end of FY 2026 and that by the end of FY 2034, three additional beds would be needed. Enactment of the bill would increase the workload of the Commission by 12 in FY 2026 and by 13 in FY 2035.

The Department of Corrections indicates enactment of the bill would increase expenditures by \$12,735 in FY 2026 and \$12,990 in FY 2027 from the SGF. The Department assumes in these estimates that the marginal cost to house one additional resident will be \$4,245 in FY 2026 and \$4,330 in FY 2027.

The OJA indicates enactment of the bill would not have a significant fiscal effect on expenditures of the Judicial Branch. The OJA states that enactment of the bill could result in the collection of additional fines in cases filed under the provisions of the bill, but a precise fiscal effect cannot be estimated.

Any fiscal effect associated with enactment of SB 71 is not reflected in *The FY 2026 Governor's Budget Report*.

SB 84 (Criminal Use of a Financial Card—Gift Cards)

According to the fiscal note prepared by the Division of the Budget on SB 84, as introduced, BIDS indicates enactment of the bill would increase agency expenditures on legal counsel and support staff by unknown amounts.

The Kansas Sentencing Commission estimates enactment of the bill would result in an increase of one adult prison bed by the end of FY 2026, with one additional bed needed by the end of FY 2034. Enactment of the bill would increase the workload of the Commission by 10 in FY 2026 and FY 2035, according to the prison bed impact statement prepared by the Commission on the bill.

The Department of Corrections indicates enactment of the bill would increase SGF expenditures by \$4,245 in FY 2026 and \$4,330 in FY 2027.

The Judicial Branch indicates enactment of the bill has the potential to increase expenditures and also increase fees deposited in the SGF; however, a precise estimate is unable to be calculated at this time.

The Kansas Association of Counties indicates enactment of the bill could potentially increase county government expenditures.

The League of Kansas Municipalities indicates enactment of the bill would have negligible fiscal effect on city governments.

Any fiscal effect associated with enactment of SB 84 is not reflected in *The FY 2026 Governor's Budget Report*.

SB 156 (Unlawful Use of a Laser Pointer)

According to the fiscal note prepared by the Division of the Budget on SB 156, as introduced, BIDS indicates that enactment of the bill would increase agency expenditures on legal counsel and support staff by unknown amounts, but estimates each new severity level 9 person felony case brought to the agency would result in SGF expenditures of \$2,918 to \$4,375. BIDS also indicates that it may require 1.0 new FTE attorney position and additional support staff depending on the number of new cases brought to the agency.

The Sentencing Commission indicates that enactment of the bill has the potential to increase prison admissions and the number of prison beds needed. However, an exact estimate cannot be determined.

The Department of Corrections indicates enactment of the bill has the potential to increase agency operating expenditures depending on its effect on prison admissions and beds.

The Judicial Branch indicates enactment of the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and non-judicial personnel in processing, researching, and hearing cases. However, the Judicial Branch is unable to calculate an exact estimate of this effect. The bill has the potential to increase the collection of docket fees, fines,

and supervision fees, which are deposited in the SGF; however, the amount of additional collections is unknown.

Any fiscal effect associated with enactment of SB 156 is not reflected in *The FY 2026 Governor's Budget Report*.

The League of Kansas Municipalities indicates enactment of the bill has the potential to increase city government expenditures on legal proceedings. The Kansas Association of Counties indicates enactment of the bill would have a negligible fiscal effect on counties.

Crimes; penalties; judiciary; culpability; stolen property or services; gift card; laser pointer; buying sexual relations; ordinance; Kansas Municipal Code

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