

SESSION OF 2025

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 138**

As Recommended by House Committee on
Judiciary

Brief*

House Sub. for SB 138 would amend the Scrap Metal Theft Reduction Act (Act). The bill would authorize Kansas law enforcement officers to conduct investigations of violations of the Act. The bill would require, upon an investigation's conclusion, investigative reports to be submitted to the Attorney General, regardless of whether any local action was taken as a result of the investigation.

Background

The House Committee on Judiciary recommended a substitute bill incorporating provisions pertaining to the Scrap Metal Theft Reduction Act from HB 2349, as passed by the House.

SB 138, as passed by the Senate, would have amended law concerning the issuance of search warrants. [*Note:* The provisions concerning the issuance of search warrants were not retained in the substitute bill but are contained in SB 157, as amended by the House Committee on Judiciary.]

*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/>

HB 2349 (Scrap Metal Theft Reduction Act)

The bill was introduced by the House Committee on Judiciary at the request of a representative of the City of Wichita and the Wichita Police Department.

House Committee on Judiciary

In the House 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 a representative of the Wichita Police Department. The proponents generally stated the bill would ensure effective enforcement of the Act and provide additional tools to combat scrap metal theft.

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

Neutral testimony was provided by a representative of Advantage Metals Recycling, who generally stated the bill would create confusion as various jurisdictions address enforcement of the Act, but they appreciate the tools given to law enforcement to enforce the Act.

No other testimony was provided.

The Committee amended the bill to remove provisions concerning:

- Required reporting to the Attorney General of any local enforcement action taken for a violation of the Act;
- When it is unlawful for a person to knowingly commit a violation of the Act by:
 - Avoiding reporting requirements;

- Using a false description of the items sold or purchased;
- Concealing the true identity of the seller;
- Accepting items a scrap metal dealer is prohibited from accepting;
- Purchasing scrap metal while the required registration to do so is suspended or revoked; or
- Committing two or more violations of purchasing scrap metal without registering;
- Penalties for such violations;
- Requiring a local ordinance, resolution, or regulation scrap metal penalty be the same penalty prescribed in the Act for a comparable violation; and
- Authorization for a municipality to enact and enforce any ordinance, resolution, or regulation related to the Act.

Fiscal Information

The fiscal note provided by the Division on the Budget on the bill as introduced is not applicable to the House substitute bill.

HB 2349 (Scrap Metal Theft Reduction Act)

According to the fiscal note prepared by the Division of the Budget on HB 2349, as introduced, the Office of the Attorney General would require \$39,797 in FY 2026 and \$41,786 in FY 2027 from the State General Fund (SGF) to finance a 0.5 administrative specialist position, including related operating expenditures. This position would review the local law enforcement's investigative reports and actions

taken pertaining to violations of the Scrap Metal Theft Reduction Act.

The Office of Judicial Administration states that enactment of the bill could increase the number of cases filed in district courts because the bill would create new crimes. This would increase the time spent by district court judicial and non-judicial personnel in processing, researching, and hearing cases. Because these crimes carry misdemeanor penalties, there could also be more supervision of offenders required to be performed by court services officers. The bill could result in the collection of docket fees, fines, and supervision fees that would be deposited into the SGF. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be estimated.

The Kansas Highway Patrol states that enactment of the bill would not have a fiscal effect.

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 states that enactment of the bill could have a fiscal effect on counties depending on the cost associated with investigations and court proceedings. However, the Association cannot estimate a precise fiscal effect. The League of Kansas Municipalities states that enactment of the bill could have a fiscal effect on cities depending on the number of violations and ordinances each city has in relation to the Act; however, any affect would be negligible.

Scrap metal theft reduction act; attorney general; law enforcement officers