

Proposed Amendment to SB 11
For Committee on Judiciary
Prepared By: Katherine Goyette, Office of
Revisor of Statutes
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1 in business as a scrap metal dealer as defined in the scrap metal theft
2 reduction act, thereby submits the person to the jurisdiction of the courts of
3 this state as to any cause of action arising from such business.

4 (b) Every administrative or civil action pursuant to this act shall be
5 brought in the district court of Shawnee county or in any other district
6 where venue is otherwise authorized by law.

On and after July 1, 2015,

strike

7 New Sec. 6. (a) ~~A municipality shall not enact or enforce any~~
8 ordinance, resolution or regulation relating to the implementation,
9 administration and enforcement of the provisions of the scrap metal theft
10 reduction act.

11 ~~(b) Any ordinance, resolution or regulation prohibited by subsection~~
12 ~~(a) that was adopted prior to July 1, 2015, shall be null and void.~~

13 ~~(c) No action shall be commenced or prosecuted against any~~
14 ~~individual for a violation of any ordinance, resolution or regulation that is~~
15 ~~prohibited by subsection (a) and which was adopted prior to July 1, 2015,~~
16 ~~if such violation occurred on or after July 1, 2014.~~

17 (d) As used in this section, "municipality" has the same meaning as
18 defined in K.S.A. 75-6102, and amendments thereto.

19 New Sec. 7. (a) At any preliminary examination pursuant to K.S.A.
20 22-2902, and amendments thereto, in which the details of each sale or
21 transaction required to be maintained by scrap metal dealers pursuant to
22 K.S.A. 2014 Supp. 50-6,110, and amendments thereto, are to be
23 introduced as evidence, the business records of such sale or transaction
24 shall be admissible in to evidence in the preliminary examination in the
25 same manner and with the same force and effect as if the individuals who
26 made the record, and the records custodian who keeps the record, had
27 testified in person.

28 (b) This section shall be part of and supplemental to the Kansas code
29 of criminal procedure.

30 Sec. 8. K.S.A. 2014 Supp. 21-5804 is hereby amended to read as
31 follows: 21-5804. (a) In any prosecution under K.S.A. 2014 Supp. 21-5801
32 through 21-5839, and amendments thereto, the following shall be prima
33 facie evidence of intent to permanently deprive the owner or lessor of
34 property of the possession, use or benefit thereof.

35 (1) The giving of a false identification or fictitious name, address or
36 place of employment at the time of ~~obtaining~~ *buying, selling, leasing,*
37 *trading, gathering, collecting, soliciting, procuring, receiving, dealing or*
38 *otherwise obtaining or exerting control over the property;*

39 (2) the failure of a person who leases or rents personal property to
40 return the same within 10 days after the date set forth in the lease or rental
41 agreement for the return of the property, if notice is given to the person
42 renting or leasing the property to return the property within seven days
43 after receipt of the notice, in which case the subsequent return of the

Strike lines 11-16; insert:

"(b) Any such ordinance, resolution or
regulation adopted prior to January 1, 2015
shall be in full force and effect."

[Amend other sections to
accommodate amendments to
New Section 6]