

HOUSE BILL No. 2462

By Committee on Corrections and Juvenile Justice

1-14

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to theft; amending K.S.A. 2015 Supp. 21-5801 and repealing the
3 existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 21-5801 is hereby amended to read as
7 follows: 21-5801. (a) Theft is any of the following acts done with intent to
8 permanently deprive the owner of the possession, use or benefit of the
9 owner's property or services:

10 (1) Obtaining or exerting unauthorized control over property or
11 services;

12 (2) obtaining control over property or services, by deception;

13 (3) obtaining control over property or services, by threat;

14 (4) obtaining control over stolen property or services knowing the
15 property or services to have been stolen by another; or

16 (5) knowingly dispensing motor fuel into a storage container or the
17 fuel tank of a motor vehicle at an establishment in which motor fuel is
18 offered for retail sale and leaving the premises of the establishment
19 without making payment for the motor fuel.

20 (b) Theft of:

21 (1) Property or services of the value of \$100,000 or more is a severity
22 level 5, nonperson felony;

23 (2) property or services of the value of at least \$25,000 but less than
24 \$100,000 is a severity level 7, nonperson felony;

25 (3) property or services of the value of at least ~~\$1,000~~ ~~\$2,000~~ **\$1,250**
26 but less than \$25,000 is a severity level 9, nonperson felony, except as
27 provided in subsection (b)(7);

28 (4) property or services of the value of less than ~~\$1,000~~ ~~\$2,000~~
29 **\$1,250** is a class A nonperson misdemeanor, except as provided in
30 subsection (b)(5), (b)(6) or (b)(7);

31 (5) property of the value of less than ~~\$1,000~~ ~~\$2,000~~ **\$1,250** from three
32 separate mercantile establishments within a period of 72 hours as part of
33 the same act or transaction or in two or more acts or transactions
34 connected together or constituting parts of a common scheme or course of

1 conduct is a severity level 9, nonperson felony;

2 (6) property of the value of ~~at least \$250~~ **\$50** but less than ~~\$1,000~~
3 ~~\$2,000~~ **\$1,250** is a severity level 9, nonperson felony if committed by a
4 person who has, *within five years immediately preceding commission of*
5 *the crime, excluding any period of imprisonment*, been convicted of theft
6 two or more times; and

7 (7) property which is a firearm of the value of less than \$25,000 is a
8 severity level 9, nonperson felony.

9 (c) As used in this section:

10 (1) "Conviction" or "convicted" includes being convicted of a
11 violation of K.S.A. 21-3701, prior to its repeal, this section or a municipal
12 ordinance which prohibits the acts that this section prohibits;

13 (2) "regulated scrap metal" means the same as in K.S.A. 2015 Supp.
14 50-6,109, and amendments thereto; and

15 (3) "value" means the value of the property or, if the property is
16 regulated scrap metal, the cost to restore the site of the theft of such
17 regulated scrap metal to its condition at the time immediately prior to the
18 theft of such regulated scrap metal, whichever is greater.

19 Sec. 2. K.S.A. 2015 Supp. 21-5801 is hereby repealed.

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