

SENATE BILL No. 11

By Senators Petersen, King, McGinn and O'Donnell

1-13

1 AN ACT concerning regulated scrap metal; relating to the crime of theft;
2 sentencing; evidence at preliminary examination; regulation of scrap
3 metal dealers; unlawful acts; penalties; amending K.S.A. 2014 Supp.
4 21-5804, 21-5813, 21-6604, 50-6,109, 50-6,110, 50-6,111, 50-6,112a,
5 50-6,112b and 50-6,112c and repealing the existing sections; also
6 repealing K.S.A. 2014 Supp. 21-6604c and 50-6,112.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) The attorney general is hereby given jurisdiction
10 and authority over all matters involving the implementation,
11 administration and enforcement of the provisions of the scrap metal theft
12 reduction act including to:

13 (1) Employ or appoint agents as necessary to implement, administer
14 and enforce the act;
15 (2) contract;
16 (3) expend funds;
17 (4) license and discipline;
18 (5) investigate;
19 (6) issue subpoenas;
20 (7) keep statistics; and
21 (8) conduct education and outreach programs to promote compliance
22 with the act.

23 (b) In accordance with the rules and regulations filing act, the
24 attorney general is hereby authorized to adopt rules and regulations
25 necessary to implement the provisions of the scrap metal theft reduction
26 act.

27 (c) There is hereby established in the state treasury the scrap metal
28 theft reduction fee fund to be administered by the attorney general. All
29 moneys received by the attorney general from fees, charges or penalties
30 collected under the provisions of the scrap metal theft reduction act shall
31 be remitted to the state treasurer in accordance with the provisions of
32 K.S.A. 75-4215, and amendments thereto, who shall deposit the entire
33 amount thereof in the state treasury to the credit of the scrap metal theft
34 reduction fee fund. All expenditures from such fund shall be made in
35 accordance with appropriation acts upon warrants of the director of
36 accounts and reports issued pursuant to vouchers approved by the attorney

1 general or the attorney general's designee. All moneys credited to the scrap
2 metal theft reduction fee fund shall be expended for the administration of
3 the duties, functions and operating expenses incurred under the provisions
4 of the scrap metal theft reduction act.

5 (d) Before July 1, 2016, the attorney general shall establish and
6 maintain a database which shall be a central repository for the information
7 required to be provided under K.S.A. 2014 Supp. 50-6,110, and
8 amendments thereto. The database shall be maintained for the purpose of
9 providing information to law enforcement and for any other purpose
10 deemed necessary by the attorney general to implement and enforce the
11 provisions of the scrap metal theft reduction act.

12 (e) The information required by K.S.A. 2014 Supp. 50-6,110, and
13 amendments thereto, maintained in such database by the attorney general,
14 or by any entity contracting with the attorney general, submitted to,
15 maintained or stored as part of the system shall:

16 (1) Be confidential, shall only be used for investigatory, evidentiary
17 or analysis purposes related to criminal violations of city, state or federal
18 law and shall only be released to law enforcement in response to an
19 official investigation or as permitted in subsection (d); and

20 (2) not be a public record and shall not be subject to the Kansas open
21 records act, K.S.A. 45-215 et seq., and amendments thereto. The
22 provisions of this subsection shall expire on July 1, 2020, unless the
23 legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,
24 and amendments thereto.

25 New Sec. 2. (a) If, by the attorney general's own inquiries or as a
26 result of complaints, the attorney general has reason to believe that a
27 person has engaged in, is engaging in or is about to engage in an act or
28 practice that violates the scrap metal theft reduction act, the attorney
29 general, or any deputy attorney general or assistant attorney general may
30 administer oaths and affirmations, subpoena witnesses or matter and
31 collect evidence.

32 (b) If the matter that the attorney general subpoenas is located outside
33 this state, the person subpoenaed may either make it available to the
34 attorney general at a convenient location within the state or pay the
35 reasonable and necessary expenses for the attorney general or the attorney
36 general's designee to examine the matter at the place where it is located.
37 The attorney general may designate representatives, including officials of
38 the state in which the matter is located, to inspect the matter on the
39 attorney general's behalf, and the attorney general may respond to similar
40 requests from officials of other states.

41 (c) Service by the attorney general of any notice requiring a person to
42 file a statement or report, or of a subpoena upon any person, shall be made
43 by:

1 (1) The mailing thereof by certified mail to the last known place of
2 business, residence or abode within or without this state; or

3 (2) in the manner provided in the code of civil procedure as if a
4 petition had been filed.

5 (d) The attorney general may request that an individual who refuses
6 to comply with a subpoena, on the ground that the testimony or matter
7 may incriminate the individual, be ordered by the court to provide the
8 testimony or matter. Except in a prosecution for perjury, an individual who
9 complies with a court order to provide testimony or matter after asserting a
10 privilege against self-incrimination to which the individual is entitled by
11 law, may not be subjected to a criminal proceeding or to a civil penalty to
12 the transaction concerning which the individual is required to testify or
13 produce relevant matter.

14 (e) If any person willfully fails or refuses to file any statement or
15 report required by this act, or obey any subpoena issued by the attorney
16 general, the attorney general may, after notice, apply to the district court
17 and, after a hearing thereon, the district court may issue an order:

18 (1) Granting injunctive relief restraining the sale or advertisement of
19 any services or merchandise by such persons;

20 (2) vacating, annulling or suspending the corporate charter of a
21 corporation created by or under the laws of this state or revoking or
22 suspending the certificate of authority to do business in this state of a
23 foreign corporation or revoking or suspending any other licenses, permits
24 or certificates issued pursuant to law to the person, which are used to
25 further the allegedly unlawful practice; or

26 (3) granting such other relief as may be required, until the person files
27 the statement or report, or obeys the subpoena.

28 New Sec. 3. (a) Any scrap metal dealer who violates any of the
29 provisions of this act, in addition to any other penalty provided by law,
30 may incur a civil penalty imposed pursuant to subsection (b) in an amount
31 not less than \$100 nor more than \$5,000 for each violation.

32 (b) The attorney general, upon a finding that a scrap metal dealer or
33 any employee or agent thereof or any person or entity required to be
34 registered as a scrap metal dealer has violated any of the provisions of the
35 scrap metal theft reduction act may impose a civil penalty as provided in
36 this subsection upon such scrap metal dealer.

37 (c) A civil penalty shall not be imposed pursuant to this section
38 except upon the written order of the attorney general to the scrap metal
39 dealer who is responsible for the violation. Such order is a final order for
40 purposes of judicial review and shall state the violation, the penalty to be
41 imposed and the right of such dealer to appeal as provided in the Kansas
42 judicial review act.

43 (d) This section shall take effect on and after January 1, 2016.

1 New Sec. 4. (a) The attorney general may bring a civil action to:

2 (1) Obtain a declaratory judgment that an act or practice violates this
3 act;

4 (2) enjoin, or to obtain a restraining order against any person who has
5 violated, is violating, or is otherwise likely to violate this act;

6 (3) recover reasonable expenses and investigation fees; or

7 (4) impose any civil penalty authorized by this act.

8 (b) In lieu of investigating or continuing an action or proceeding, the
9 attorney general may accept a consent judgment with respect to any act or
10 practice declared to be a violation of this act. Before any consent judgment
11 entered into pursuant to this section shall be effective, it must be approved
12 by the district court and an entry made thereof in the manner required for
13 making an entry of judgment. Once such approval is received, any breach
14 of the conditions of such consent judgment shall be treated as a violation
15 of a court order, and shall be subject to all the penalties provided by law
16 therefor.

17 (c) In any action brought by the attorney general, the court may,
18 without requiring bond of the attorney general:

19 (1) Make such orders or judgments as may be necessary to prevent
20 the use or employment by a person of any practice declared to be a
21 violation of this act;

22 (2) issue a temporary restraining order or enjoin any person from
23 violating this act;

24 (3) award reasonable expenses and investigation fees, civil penalties
25 and costs; and

26 (4) grant other appropriate relief.

27 (d) The commission of any act or practice declared to be a violation
28 of this act shall render the violator liable to the state for the payment of a
29 civil penalty, recoverable in an action brought by the attorney general, in a
30 sum of not more than \$5,000 for each violation.

31 (e) Any person who willfully violates the terms of any court order
32 issued pursuant to this act shall forfeit and pay a civil penalty of not more
33 than \$10,000 per violation, in addition to other penalties that may be
34 imposed by the court, as the court shall deem necessary and proper. For the
35 purposes of this section, the district court issuing an order shall retain
36 jurisdiction, and in such cases, the attorney general, acting in the name of
37 the state may petition for recovery of civil penalties.

38 (f) Any act or practice declared to be a violation of this act which is
39 continuing in nature shall be deemed a separate violation each day such act
40 or practice exists.

41 (g) This section shall take effect on and after January 1, 2016.

42 New Sec. 5. (a) Any person, whether or not a resident or citizen of
43 this state, who in person or through an agent or an instrumentality, engages

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.

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

1 property within the seven-day period shall exempt such transaction from
2 consideration as prima facie evidence as provided in this section;

3 (3) destroying, breaking or opening a lock, chain, key switch,
4 enclosure or other device used to secure the property in order to obtain
5 control over the property;

6 (4) destruction of or substantially damaging or altering the property
7 so as to make the property unusable or unrecognizable in order to obtain
8 control over the property;

9 (5) the failure of a person who leases or rents from a commercial
10 renter a motor vehicle under a written agreement that provides for the
11 return of the motor vehicle to a particular place at a particular time, if
12 notice has been given to the person renting or leasing the motor vehicle to
13 return such vehicle within three calendar days from the date of the receipt
14 or refusal of the demand. In addition, if such vehicle has not been returned
15 after demand, the lessor may notify the local law enforcement agency of
16 the failure of the lessee to return such motor vehicle and the local law
17 enforcement agency shall cause such motor vehicle to be put into any
18 appropriate state and local computer system listing stolen motor vehicles;

19 (6) the failure of a person who is provided with a use of a vehicle by
20 the owner of the vehicle to return it to the owner pursuant to a written
21 instruction specifying: (A) The time and place to return the vehicle; and
22 (B) that failure to comply may be prosecuted as theft, and such instructions
23 are delivered to the person by the owner at the time the person is provided
24 with possession of the vehicle. In addition, if such vehicle has not been
25 returned pursuant to the specifications in such instructions, the owner may
26 notify the local law enforcement agency of the failure of the person to
27 return such motor vehicle and the local law enforcement agency shall
28 cause such motor vehicle to be put into any appropriate state and local
29 computer system listing stolen motor vehicles;

30 (7) removing a theft detection device, without authority, from
31 merchandise or disabling such device prior to purchase; or

32 (8) under the provisions of ~~subsection (a)(5) of~~ K.S.A. 2014 Supp.
33 21-5801(a)(5), and amendments thereto, the failure to replace or reattach
34 the nozzle and hose of the pump used for the dispensing of motor fuels or
35 placing such nozzle and hose on the ground or pavement.

36 (b) In any prosecution for a misdemeanor under K.S.A. 2014 Supp.
37 21-5801, and amendments thereto, in which the object of the alleged theft
38 is a book or other material borrowed from a library, it shall be prima facie
39 evidence of intent to permanently deprive the owner of the possession, use
40 or benefit thereof if the defendant failed to return such book or material
41 within 30 days after receiving notice from the library requesting its return,
42 in which case the subsequent return of the book or material within the 30-
43 day period shall exempt such transaction from consideration as prima facie

1 evidence as provided in this section.

2 (c) In a prosecution for theft as defined in K.S.A. 2014 Supp. 21-
3 5801, and amendments thereto, and such theft is of services, the existence
4 of any of the connections of meters, alterations or use of unauthorized or
5 unmeasured electricity, natural gas, water, telephone service or cable
6 television service, caused by tampering, shall be prima facie evidence of
7 intent to commit theft of services by the person or persons using or
8 receiving the direct benefits from the use of the electricity, natural gas,
9 water, telephone service or cable television service passing through such
10 connections or meters, or using the electricity, natural gas, water,
11 telephone service or cable television service which has not been authorized
12 or measured.

13 (d) *In a prosecution for theft as defined in K.S.A. 2014 Supp. 21-
14 5801, and amendments thereto, and such theft is of regulated scrap metal
15 as defined in K.S.A. 2014 Supp. 50-6,109, and amendments thereto, either
16 in whole or in part, the failure to give information or the giving of false
17 information to a scrap metal dealer pursuant to the requirements of the
18 scrap metal theft reduction act, the transportation of regulated scrap
19 metal outside the county from where it was obtained, the transportation of
20 regulated scrap metal across state lines or the alteration of any regulated
21 scrap metal prior to any transaction with a scrap metal dealer shall be
22 prima facie evidence of intent to permanently deprive the owner of the
23 regulated scrap metal of the possession, use or benefit thereof.*

24 ~~(d)~~ (e) As used in this section:

25 (1) "Notice" means notice in writing and such notice in writing will
26 be presumed to have been given three days following deposit of the notice
27 as registered or certified matter in the United States mail, addressed to
28 such person who has leased or rented the personal property or borrowed
29 the library material at the address as it appears in the information supplied
30 by such person at the time of such leasing, renting or borrowing, or to such
31 person's last known address; and

32 (2) "tampering" includes, but is not limited to:

33 (A) Making a connection of any wire, conduit or device, to any
34 service or transmission line owned by a public or municipal utility, or by a
35 cable television service provider;

36 (B) defacing, puncturing, removing, reversing or altering any meter
37 or any connections, for the purpose of securing unauthorized or
38 unmeasured electricity, natural gas, water, telephone service or cable
39 television service;

40 (C) preventing any such meters from properly measuring or
41 registering;

42 (D) knowingly taking, receiving, using or converting to such person's
43 own use, or the use of another, any electricity, water or natural gas which

1 has not been measured; or any telephone or cable television service which
2 has not been authorized; or

3 (E) causing, procuring, permitting, aiding or abetting any person to
4 do any of the preceding acts.

5 Sec. 9. K.S.A. 2014 Supp. 21-5813 is hereby amended to read as
6 follows: 21-5813. (a) Criminal damage to property is by means other
7 than by fire or explosive:

8 (1) Knowingly damaging, destroying, defacing or substantially
9 impairing the use of any property in which another has an interest without
10 the consent of such other person; or

11 (2) damaging, destroying, defacing or substantially impairing the use
12 of any property with intent to injure or defraud an insurer or lienholder.

13 (b) *Aggravated criminal damage to property is criminal damage to*
14 *property, as defined in subsection (a)(1), regardless of the value or amount*
15 *of damage, committed with the intent to obtain any regulated scrap metal*
16 *as defined in K.S.A. 2014 Supp. 50-6,109 and amendments thereto, or any*
17 *items listed in K.S.A. 2014 Supp. 50-6,111(d)(1) through (d)(21), and*
18 *amendments thereto, upon:*

19 (1) *Any building, structure, personal property or place used primarily*
20 *for worship or any religious purpose;*

21 (2) *any building, structure or place used as a school or as an*
22 *educational facility;*

23 (3) *any building, structure or place used by a non-profit or charitable*
24 *business, corporation, firm, service or association;*

25 (4) *any grave, cemetery, mortuary or personal property of the*
26 *cemetery or mortuary or other facility used for the purpose of burial or*
27 *memorializing the dead;*

28 (5) *any agricultural property or agricultural infrastructure;*

29 (6) *any construction, mining or recycling facility, structure or site;*

30 (7) *any utility, utility service, telecommunication or*
31 *telecommunication service facility, property, building, structure, site or*
32 *component thereof;*

33 (8) *any municipal, county or state building, structure, site or*
34 *property;*

35 (9) *any residential, commercial, industrial or agricultural irrigation,*
36 *sprinkler or watering system or component thereof;*

37 (10) *the infrastructure of any residence, building or structure;*

38 (11) *any historical marker, plaque or work of art;*

39 (12) *any vehicle or transportation building, facility, structure, site or*
40 *property; or*

41 (13) *any other building, structure, residence, facility, site, place,*
42 *property, vehicle or any infrastructure thereof.*

43 (b) (c) Criminal damage to property if the property:

1 (1) Is damaged to the extent of \$25,000 or more is a severity level 7,
2 nonperson felony;

3 (2) is damaged to the extent of at least \$1,000 but less than \$25,000 is
4 a severity level 9, nonperson felony; and

5 (3) damaged is of the value of less than \$1,000 or is of the value of
6 \$1,000 or more and is damaged to the extent of less than \$1,000 is a class
7 B nonperson misdemeanor.

8 (d) *Aggravated criminal damage to property is a severity level 5,*
9 *nonperson felony.*

10 (e) (1) *As used in subsection (c):*

11 (A) *"Infrastructure" includes any fixture to, attachment upon or part*
12 *of a residence, building or structure's framework, electrical wiring and*
13 *appurtenances, plumbing or heating and air systems; and*

14 (B) *"site" includes any area, place or location set aside for specific*
15 *use or uses, including, but not limited to, storage, staging, repair, sorting,*
16 *transportation, planning or organization.*

17 (2) *Any of the items or locations listed in subsection (c) shall include*
18 *the curtilage, adjoining land and any improvements thereupon.*

19 (3) *Nothing in subsection (c) shall be construed to require the:*

20 (A) *Construction or existence of any door, gate, fence, barrier or*
21 *wall; or*

22 (B) *existence of notice, postings or signs to potential trespassers.*

23 (f) *In determining the amount of damage to property, damages may*
24 *include the cost of repair or replacement of the property that was*
25 *damaged, the reasonable cost of the loss of production, crops and*
26 *livestock, reasonable labor costs of any kind, reasonable material costs of*
27 *any kind and any reasonable costs that are attributed to equipment that is*
28 *used to abate or repair the damage to the property.*

29 Sec. 10. K.S.A. 2014 Supp. 21-6604 is hereby amended to read as
30 follows: 21-6604. (a) Whenever any person has been found guilty of a
31 crime, the court may adjudge any of the following:

32 (1) Commit the defendant to the custody of the secretary of
33 corrections if the current crime of conviction is a felony and the sentence
34 presumes imprisonment, or the sentence imposed is a dispositional
35 departure to imprisonment; or, if confinement is for a misdemeanor, to jail
36 for the term provided by law;

37 (2) impose the fine applicable to the offense and may impose the
38 provisions of subsection (q);

39 (3) release the defendant on probation if the current crime of
40 conviction and criminal history fall within a presumptive nonprison
41 category or through a departure for substantial and compelling reasons
42 subject to such conditions as the court may deem appropriate. In felony
43 cases except for violations of K.S.A. 8-1567, 8-2,144 and K.S.A. 2014

1 Supp. 8-1025, and amendments thereto, the court may include
2 confinement in a county jail not to exceed 60 days, which need not be
3 served consecutively, as a condition of an original probation sentence;

4 (4) assign the defendant to a community correctional services
5 program as provided in K.S.A. 75-5291, and amendments thereto, or
6 through a departure for substantial and compelling reasons subject to such
7 conditions as the court may deem appropriate, including orders requiring
8 full or partial restitution;

9 (5) assign the defendant to a conservation camp for a period not to
10 exceed six months as a condition of probation followed by a six-month
11 period of follow-up through adult intensive supervision by a community
12 correctional services program, if the offender successfully completes the
13 conservation camp program;

14 (6) assign the defendant to a house arrest program pursuant to K.S.A.
15 2014 Supp. 21-6609, and amendments thereto;

16 (7) order the defendant to attend and satisfactorily complete an
17 alcohol or drug education or training program as provided by ~~subsection~~
18 ~~(e)~~ of K.S.A. 2014 Supp. 21-6602(c), and amendments thereto;

19 (8) order the defendant to repay the amount of any reward paid by
20 any crime stoppers chapter, individual, corporation or public entity which
21 materially aided in the apprehension or conviction of the defendant; repay
22 the amount of any costs and expenses incurred by any law enforcement
23 agency in the apprehension of the defendant, if one of the current crimes
24 of conviction of the defendant includes escape from custody or aggravated
25 escape from custody, as defined in K.S.A. 2014 Supp. 21-5911, and
26 amendments thereto; repay expenses incurred by a fire district, fire
27 department or fire company responding to a fire which has been
28 determined to be arson or aggravated arson as defined in K.S.A. 2014
29 Supp. 21-5812, and amendments thereto, if the defendant is convicted of
30 such crime; repay the amount of any public funds utilized by a law
31 enforcement agency to purchase controlled substances from the defendant
32 during the investigation which leads to the defendant's conviction; or repay
33 the amount of any medical costs and expenses incurred by any law
34 enforcement agency or county. Such repayment of the amount of any such
35 costs and expenses incurred by a county, law enforcement agency, fire
36 district, fire department or fire company or any public funds utilized by a
37 law enforcement agency shall be deposited and credited to the same fund
38 from which the public funds were credited to prior to use by the county,
39 law enforcement agency, fire district, fire department or fire company;

40 (9) order the defendant to pay the administrative fee authorized by
41 K.S.A. 22-4529, and amendments thereto, unless waived by the court;

42 (10) order the defendant to pay a domestic violence special program
43 fee authorized by K.S.A. 20-369, and amendments thereto;

1 (11) if the defendant is convicted of a misdemeanor or convicted of a
2 felony specified in ~~subsection (i)~~ of K.S.A. 2014 Supp. 21-6804(i), and
3 amendments thereto, assign the defendant to work release program, other
4 than a program at a correctional institution under the control of the
5 secretary of corrections as defined in K.S.A. 75-5202, and amendments
6 thereto, provided such work release program requires such defendant to
7 return to confinement at the end of each day in the work release program.
8 On a second or subsequent conviction of K.S.A. 8-1567, and amendments
9 thereto, an offender placed into a work release program shall serve the
10 total number of hours of confinement mandated by that section;

11 (12) order the defendant to pay the full amount of unpaid costs
12 associated with the conditions of release of the appearance bond under
13 K.S.A. 22-2802, and amendments thereto;

14 (13) impose any appropriate combination of (1), (2), (3), (4), (5), (6),
15 (7), (8), (9), (10), (11) and (12); or

16 (14) suspend imposition of sentence in misdemeanor cases.

17 (b) (1) In addition to or in lieu of any of the above, the court shall
18 order the defendant to pay restitution, which shall include, but not be
19 limited to, damage or loss caused by the defendant's crime, unless the
20 court finds compelling circumstances which would render a plan of
21 restitution unworkable. In regard to a violation of K.S.A. 2014 Supp. 21-
22 6107, and amendments thereto, such damage or loss shall include, but not
23 be limited to, attorney fees and costs incurred to repair the credit history or
24 rating of the person whose personal identification documents were
25 obtained and used in violation of such section, and to satisfy a debt, lien or
26 other obligation incurred by the person whose personal identification
27 documents were obtained and used in violation of such section. *In regard*
28 *to a violation of K.S.A. 2014 Supp. 21-5801, 21-5807 or 21-5813, and*
29 *amendments thereto, such damage or loss shall include the cost of repair*
30 *or replacement of the property that was damaged, the reasonable cost of*
31 *any loss of production, crops and livestock, reasonable labor costs of any*
32 *kind, reasonable material costs of any kind and any reasonable costs that*
33 *are attributed to equipment that is used to abate or repair the damage to*
34 *the property. If the court finds a plan of restitution unworkable, the court*
35 *shall state on the record in detail the reasons therefor.*

36 (2) If the court orders restitution, the restitution shall be a judgment
37 against the defendant which may be collected by the court by garnishment
38 or other execution as on judgments in civil cases. If, after 60 days from the
39 date restitution is ordered by the court, a defendant is found to be in
40 noncompliance with the plan established by the court for payment of
41 restitution, and the victim to whom restitution is ordered paid has not
42 initiated proceedings in accordance with K.S.A. 60-4301 et seq., and
43 amendments thereto, the court shall assign an agent procured by the

1 attorney general pursuant to K.S.A. 75-719, and amendments thereto, to
2 collect the restitution on behalf of the victim. The chief judge of each
3 judicial district may assign such cases to an appropriate division of the
4 court for the conduct of civil collection proceedings.

5 (c) In addition to or in lieu of any of the above, the court shall order
6 the defendant to submit to and complete an alcohol and drug evaluation,
7 and pay a fee therefor, when required by ~~subsection (d)~~ of K.S.A. 2014
8 Supp. 21-6602(d), and amendments thereto.

9 (d) In addition to any of the above, the court shall order the defendant
10 to reimburse the county general fund for all or a part of the expenditures
11 by the county to provide counsel and other defense services to the
12 defendant. Any such reimbursement to the county shall be paid only after
13 any order for restitution has been paid in full. In determining the amount
14 and method of payment of such sum, the court shall take account of the
15 financial resources of the defendant and the nature of the burden that
16 payment of such sum will impose. A defendant who has been required to
17 pay such sum and who is not willfully in default in the payment thereof
18 may at any time petition the court which sentenced the defendant to waive
19 payment of such sum or any unpaid portion thereof. If it appears to the
20 satisfaction of the court that payment of the amount due will impose
21 manifest hardship on the defendant or the defendant's immediate family,
22 the court may waive payment of all or part of the amount due or modify
23 the method of payment.

24 (e) In releasing a defendant on probation, the court shall direct that
25 the defendant be under the supervision of a court services officer. If the
26 court commits the defendant to the custody of the secretary of corrections
27 or to jail, the court may specify in its order the amount of restitution to be
28 paid and the person to whom it shall be paid if restitution is later ordered
29 as a condition of parole, conditional release or postrelease supervision.

30 (f) (1) When a new felony is committed while the offender is
31 incarcerated and serving a sentence for a felony, or while the offender is on
32 probation, assignment to a community correctional services program,
33 parole, conditional release or postrelease supervision for a felony, a new
34 sentence shall be imposed consecutively pursuant to the provisions of
35 K.S.A. 2014 Supp. 21-6606, and amendments thereto, and the court may
36 sentence the offender to imprisonment for the new conviction, even when
37 the new crime of conviction otherwise presumes a nonprison sentence. In
38 this event, imposition of a prison sentence for the new crime does not
39 constitute a departure.

40 (2) When a new felony is committed during a period of time during
41 which the defendant would have been on probation, assignment to a
42 community correctional services program, parole, conditional release or
43 postrelease supervision for a felony had the defendant not been granted

1 release by the court pursuant to ~~subsection (d)~~ of K.S.A. 2014 Supp. 21-
2 6608(d), and amendments thereto, or the prisoner review board pursuant to
3 K.S.A. 22-3717, and amendments thereto, the court may sentence the
4 offender to imprisonment for the new conviction, even when the new
5 crime of conviction otherwise presumes a nonprison sentence. In this
6 event, imposition of a prison sentence for the new crime does not
7 constitute a departure.

8 (3) When a new felony is committed while the offender is
9 incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,
10 prior to its repeal, or K.S.A. 2014 Supp. 38-2373, and amendments
11 thereto, for an offense, which if committed by an adult would constitute
12 the commission of a felony, upon conviction, the court shall sentence the
13 offender to imprisonment for the new conviction, even when the new
14 crime of conviction otherwise presumes a nonprison sentence. In this
15 event, imposition of a prison sentence for the new crime does not
16 constitute a departure. The conviction shall operate as a full and complete
17 discharge from any obligations, except for an order of restitution, imposed
18 on the offender arising from the offense for which the offender was
19 committed to a juvenile correctional facility.

20 (4) When a new felony is committed while the offender is on release
21 for a felony pursuant to the provisions of article 28 of chapter 22 of the
22 Kansas Statutes Annotated, and amendments thereto, or similar provisions
23 of the laws of another jurisdiction, a new sentence may be imposed
24 consecutively pursuant to the provisions of K.S.A. 2014 Supp. 21-6606,
25 and amendments thereto, and the court may sentence the offender to
26 imprisonment for the new conviction, even when the new crime of
27 conviction otherwise presumes a nonprison sentence. In this event,
28 imposition of a prison sentence for the new crime does not constitute a
29 departure.

30 (g) Prior to imposing a dispositional departure for a defendant whose
31 offense is classified in the presumptive nonprison grid block of either
32 sentencing guideline grid, prior to sentencing a defendant to incarceration
33 whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
34 guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I
35 of the sentencing guidelines grid for drug crimes committed prior to July
36 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing
37 guidelines grid for drug crimes committed on or after July 1, 2012, prior to
38 sentencing a defendant to incarceration whose offense is classified in grid
39 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
40 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
41 the sentencing guidelines grid for drug crimes committed on or after July
42 1, 2012, and whose offense does not meet the requirements of K.S.A. 2014
43 Supp. 21-6824, and amendments thereto, prior to revocation of a

1 nonprison sanction of a defendant whose offense is classified in grid
2 blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes
3 committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of
4 the sentencing guidelines grid for drug crimes committed on or after July
5 1, 2012, and whose offense does not meet the requirements of K.S.A. 2014
6 Supp. 21-6824, and amendments thereto, or prior to revocation of a
7 nonprison sanction of a defendant whose offense is classified in the
8 presumptive nonprison grid block of either sentencing guideline grid or
9 grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug
10 crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing
11 guidelines grid for drug crimes committed prior to July 1, 2012, or in grid
12 blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug
13 crimes committed on or after July 1, 2012, the court shall consider
14 placement of the defendant in the Labette correctional conservation camp,
15 conservation camps established by the secretary of corrections pursuant to
16 K.S.A. 75-52,127, and amendments thereto, or a community intermediate
17 sanction center. Pursuant to this subsection the defendant shall not be
18 sentenced to imprisonment if space is available in a conservation camp or
19 community intermediate sanction center and the defendant meets all of the
20 conservation camp's or community intermediate sanction center's
21 placement criteria unless the court states on the record the reasons for not
22 placing the defendant in a conservation camp or community intermediate
23 sanction center.

24 (h) In committing a defendant to the custody of the secretary of
25 corrections, the court shall fix a term of confinement within the limits
26 provided by law. In those cases where the law does not fix a term of
27 confinement for the crime for which the defendant was convicted, the
28 court shall fix the term of such confinement.

29 (i) In addition to any of the above, the court shall order the defendant
30 to reimburse the state general fund for all or part of the expenditures by the
31 state board of indigents' defense services to provide counsel and other
32 defense services to the defendant. In determining the amount and method
33 of payment of such sum, the court shall take account of the financial
34 resources of the defendant and the nature of the burden that payment of
35 such sum will impose. A defendant who has been required to pay such sum
36 and who is not willfully in default in the payment thereof may at any time
37 petition the court which sentenced the defendant to waive payment of such
38 sum or any unpaid portion thereof. If it appears to the satisfaction of the
39 court that payment of the amount due will impose manifest hardship on the
40 defendant or the defendant's immediate family, the court may waive
41 payment of all or part of the amount due or modify the method of
42 payment. The amount of attorney fees to be included in the court order for
43 reimbursement shall be the amount claimed by appointed counsel on the

1 payment voucher for indigents' defense services or the amount prescribed
2 by the board of indigents' defense services reimbursement tables as
3 provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

4 (j) This section shall not deprive the court of any authority conferred
5 by any other Kansas statute to decree a forfeiture of property, suspend or
6 cancel a license, remove a person from office or impose any other civil
7 penalty as a result of conviction of crime.

8 (k) An application for or acceptance of probation or assignment to a
9 community correctional services program shall not constitute an
10 acquiescence in the judgment for purpose of appeal, and any convicted
11 person may appeal from such conviction, as provided by law, without
12 regard to whether such person has applied for probation, suspended
13 sentence or assignment to a community correctional services program.

14 (l) The secretary of corrections is authorized to make direct
15 placement to the Labette correctional conservation camp or a conservation
16 camp established by the secretary pursuant to K.S.A. 75-52,127, and
17 amendments thereto, of an inmate sentenced to the secretary's custody if
18 the inmate:

19 (1) Has been sentenced to the secretary for a probation revocation, as
20 a departure from the presumptive nonimprisonment grid block of either
21 sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I
22 or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks
23 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes
24 committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of
25 the sentencing guidelines grid for drug crimes committed on or after July
26 1, 2012, or for an offense which is classified in grid blocks 4-E or 4-F of
27 the sentencing guidelines grid for drug crimes committed prior to July 1,
28 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines
29 grid for drug crimes committed on or after July 1, 2012, and such offense
30 does not meet the requirements of K.S.A. 2014 Supp. 21-6824, and
31 amendments thereto; and

32 (2) otherwise meets admission criteria of the camp.

33 If the inmate successfully completes a conservation camp program, the
34 secretary of corrections shall report such completion to the sentencing
35 court and the county or district attorney. The inmate shall then be assigned
36 by the court to six months of follow-up supervision conducted by the
37 appropriate community corrections services program. The court may also
38 order that supervision continue thereafter for the length of time authorized
39 by K.S.A. 2014 Supp. 21-6608, and amendments thereto.

40 (m) When it is provided by law that a person shall be sentenced
41 pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions
42 of this section shall not apply.

43 (n) (1) Except as provided by ~~subsection (f)~~ of K.S.A. 2014 Supp. 21-

1 6630 and 21-6805(f), and amendments thereto, in addition to any of the
2 above, for felony violations of K.S.A. 2014 Supp. 21-5706, and
3 amendments thereto, the court shall require the defendant who meets the
4 requirements established in K.S.A. 2014 Supp. 21-6824, and amendments
5 thereto, to participate in a certified drug abuse treatment program, as
6 provided in K.S.A. 2014 Supp. 75-52,144, and amendments thereto,
7 including, but not limited to, an approved after-care plan. The amount of
8 time spent participating in such program shall not be credited as service on
9 the underlying prison sentence.

10 (2) If the defendant fails to participate in or has a pattern of
11 intentional conduct that demonstrates the defendant's refusal to comply
12 with or participate in the treatment program, as established by judicial
13 finding, the defendant shall be subject to sanction or revocation pursuant
14 to the provisions of K.S.A. 22-3716, and amendments thereto. If the
15 defendant's probation is revoked, the defendant shall serve the underlying
16 prison sentence as established in K.S.A. 2014 Supp. 21-6805, and
17 amendments thereto.

18 (A) Except as provided in subsection (n)(2)(B), for those offenders
19 who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon
20 completion of the underlying prison sentence, the offender shall not be
21 subject to a period of postrelease supervision.

22 (B) Offenders whose crime of conviction was committed on or after
23 July 1, 2013, and whose probation is revoked pursuant to ~~subsection (e) of~~
24 K.S.A. 22-3716(c), and amendments thereto, or whose underlying prison
25 term expires while serving a sanction pursuant to ~~subsection (e)(1)(C) or~~
26 ~~(e)(1)(D)~~ of K.S.A. 22-3716(c)(1)(C) or (c)(1)(D), and amendments
27 thereto, shall serve a period of postrelease supervision upon the
28 completion of the underlying prison term.

29 (o) (1) Except as provided in paragraph (3), in addition to any other
30 penalty or disposition imposed by law, upon a conviction for unlawful
31 possession of a controlled substance or controlled substance analog in
32 violation of K.S.A. 2014 Supp. 21-5706, and amendments thereto, in
33 which the trier of fact makes a finding that the unlawful possession
34 occurred while transporting the controlled substance or controlled
35 substance analog in any vehicle upon a highway or street, the offender's
36 driver's license or privilege to operate a motor vehicle on the streets and
37 highways of this state shall be suspended for one year.

38 (2) Upon suspension of a license pursuant to this subsection, the court
39 shall require the person to surrender the license to the court, which shall
40 transmit the license to the division of motor vehicles of the department of
41 revenue, to be retained until the period of suspension expires. At that time,
42 the licensee may apply to the division for return of the license. If the
43 license has expired, the person may apply for a new license, which shall be

1 issued promptly upon payment of the proper fee and satisfaction of other
2 conditions established by law for obtaining a license unless another
3 suspension or revocation of the person's privilege to operate a motor
4 vehicle is in effect.

5 (3) (A) In lieu of suspending the driver's license or privilege to
6 operate a motor vehicle on the highways of this state of any person as
7 provided in paragraph (1), the judge of the court in which such person was
8 convicted may enter an order which places conditions on such person's
9 privilege of operating a motor vehicle on the highways of this state, a
10 certified copy of which such person shall be required to carry any time
11 such person is operating a motor vehicle on the highways of this state. Any
12 such order shall prescribe the duration of the conditions imposed, which in
13 no event shall be for a period of more than one year.

14 (B) Upon entering an order restricting a person's license hereunder,
15 the judge shall require such person to surrender such person's driver's
16 license to the judge who shall cause it to be transmitted to the division of
17 vehicles, together with a copy of the order. Upon receipt thereof, the
18 division of vehicles shall issue without charge a driver's license which
19 shall indicate on its face that conditions have been imposed on such
20 person's privilege of operating a motor vehicle and that a certified copy of
21 the order imposing such conditions is required to be carried by the person
22 for whom the license was issued any time such person is operating a motor
23 vehicle on the highways of this state. If the person convicted is a
24 nonresident, the judge shall cause a copy of the order to be transmitted to
25 the division and the division shall forward a copy of it to the motor vehicle
26 administrator of such person's state of residence. Such judge shall furnish
27 to any person whose driver's license has had conditions imposed on it
28 under this paragraph a copy of the order, which shall be recognized as a
29 valid Kansas driver's license until such time as the division shall issue the
30 restricted license provided for in this paragraph.

31 (C) Upon expiration of the period of time for which conditions are
32 imposed pursuant to this subsection, the licensee may apply to the division
33 for the return of the license previously surrendered by such licensee. In the
34 event such license has expired, such person may apply to the division for a
35 new license, which shall be issued immediately by the division upon
36 payment of the proper fee and satisfaction of the other conditions
37 established by law, unless such person's privilege to operate a motor
38 vehicle on the highways of this state has been suspended or revoked prior
39 thereto. If any person shall violate any of the conditions imposed under
40 this paragraph, such person's driver's license or privilege to operate a
41 motor vehicle on the highways of this state shall be revoked for a period of
42 not less than 60 days nor more than one year by the judge of the court in
43 which such person is convicted of violating such conditions.

1 (4) As used in this subsection, "highway" and "street" mean the same
2 as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

3 (p) In addition to any of the above, for any criminal offense that
4 includes the domestic violence designation pursuant to K.S.A. 2014 Supp.
5 22-4616, and amendments thereto, the court shall require the defendant to:

6 (1) Undergo a domestic violence offender assessment conducted by a
7 certified batterer intervention program; and (2) follow all
8 recommendations made by such program, unless otherwise ordered by the
9 court or the department of corrections. The court may order a domestic
10 violence offender assessment and any other evaluation prior to sentencing
11 if the assessment or evaluation would assist the court in determining an
12 appropriate sentence. The entity completing the assessment or evaluation
13 shall provide the assessment or evaluation and recommendations to the
14 court and the court shall provide the domestic violence offender
15 assessment to any entity responsible for supervising such defendant. A
16 defendant ordered to undergo a domestic violence offender assessment
17 shall be required to pay for the assessment and, unless otherwise ordered
18 by the court or the department of corrections, for completion of all
19 recommendations.

20 (q) In imposing a fine, the court may authorize the payment thereof in
21 installments. In lieu of payment of any fine imposed, the court may order
22 that the person perform community service specified by the court. The
23 person shall receive a credit on the fine imposed in an amount equal to \$5
24 for each full hour spent by the person in the specified community service.
25 The community service ordered by the court shall be required to be
26 performed by the later of one year after the fine is imposed or one year
27 after release from imprisonment or jail, or by an earlier date specified by
28 the court. If by the required date the person performs an insufficient
29 amount of community service to reduce to zero the portion of the fine
30 required to be paid by the person, the remaining balance shall become due
31 on that date. If conditional reduction of any fine is rescinded by the court
32 for any reason, then pursuant to the court's order the person may be
33 ordered to perform community service by one year after the date of such
34 rescission or by an earlier date specified by the court. If by the required
35 date the person performs an insufficient amount of community service to
36 reduce to zero the portion of the fine required to be paid by the person, the
37 remaining balance of the fine shall become due on that date. All credits for
38 community service shall be subject to review and approval by the court.

39 (r) In addition to any other penalty or disposition imposed by law, for
40 any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643,
41 prior to its repeal, or K.S.A. 2014 Supp. 21-6627, and amendments
42 thereto, for crimes committed on or after July 1, 2006, the court shall order
43 that the defendant be electronically monitored upon release from

1 imprisonment for the duration of the defendant's natural life and that the
 2 defendant shall reimburse the state for all or part of the cost of such
 3 monitoring as determined by the prisoner review board.

4 (s) Whenever the court has released the defendant on probation
 5 pursuant to subsection (a)(3), the defendant's supervising court services
 6 officer, with the concurrence of the chief court services officer, may
 7 impose the violation sanctions as provided in ~~subsection (e)(1)(B) of~~
 8 K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order
 9 of the court, unless:

10 (1) The court has specifically withheld this authority in its sentencing
 11 order; or

12 (2) the defendant, after being apprised of the right to a revocation
 13 hearing before the court pursuant to ~~subsection (b) of~~ K.S.A. 22-3716(b),
 14 and amendments thereto, refuses to waive such right.

15 (t) Whenever the court has assigned the defendant to a community
 16 correctional services program pursuant to subsection (a)(4), the defendant's
 17 community corrections officer, with the concurrence of the community
 18 corrections director, may impose the violation sanctions as provided in
 19 ~~subsection (e)(1)(B) of~~ K.S.A. 22-3716(c)(1)(B), and amendments thereto,
 20 without further order of the court unless:

21 (1) The court has specifically withheld this authority in its sentencing
 22 order; or

23 (2) the defendant, after being apprised of the right to a revocation
 24 hearing before the court pursuant to ~~subsection (b) of~~ K.S.A. 22-3716(b),
 25 and amendments thereto, refuses to waive such right.

26 Sec. 11. K.S.A. 2014 Supp. 50-6,109 is hereby amended to read as
 27 follows: 50-6,109. ~~(a) As used in K.S.A. 2014 Supp. 50-6,112a through~~
 28 ~~50-6,112e, and amendments thereto, and K.S.A. 2014 Supp. 50-6,109~~
 29 ~~through 50-6,112 50-6,112c, section 1, section 2, section 3, section 4,~~
 30 ~~section 5 and section 6, and amendments thereto, shall be known and may~~
 31 ~~be cited as the scrap metal theft reduction act.~~

32 ~~(b) As used in the scrap metal theft reduction act:~~

33 ~~(a)(1) "Scrap metal dealer" means any person individual, firm,~~
 34 ~~company, partnership, association or corporation that operates a business~~
 35 ~~out of a fixed location, and that is also either:~~

36 ~~(1) Engaged in the business of buying and dealing in regulated scrap~~
 37 ~~metal;~~

38 ~~(2) purchasing, gathering, collecting, soliciting or procuring regulated~~
 39 ~~scrap metal; or~~

40 ~~(3) operating, carrying on, conducting or maintaining a regulated~~
 41 ~~scrap metal yard or place where regulated scrap metal is gathered together~~
 42 ~~and stored or kept for shipment, sale or transfer that is engaged in the~~
 43 ~~business of buying, trading or dealing in regulated scrap metal for the~~

1 *purpose of sale for recycling.*

2 ~~(b) "Regulated scrap metal yard" means any yard, plot, space,~~
 3 ~~enclosure, building or any other place where regulated scrap metal is~~
 4 ~~collected, gathered together and stored or kept for shipment, sale or~~
 5 ~~transfer.~~

6 ~~(e)(2) "Regulated scrap metal" shall mean wire, cable, bars, ingots,~~
 7 ~~wire scraps, pieces, pellets, clamps, aircraft parts, junk vehicles, vehicle~~
 8 ~~parts, pipes or connectors made from aluminum; catalytic converters~~
 9 ~~containing platinum, palladium or rhodium; and copper, titanium,~~
 10 ~~tungsten, stainless steel and nickel in any form; for which the purchase~~
 11 ~~price described in K.S.A. 2014 Supp. 50-6,110 and 50-6,111, and~~
 12 ~~amendments thereto, was primarily based on the content therein of~~
 13 ~~aluminum, copper, titanium, tungsten, nickel, platinum, palladium,~~
 14 ~~stainless steel or rhodium; any item composed in whole or in part of any~~
 15 ~~nonferrous metal other than an item composed of tin, that is purchased or~~
 16 ~~otherwise acquired for the purpose of recycling or storage for later~~
 17 ~~recycling. Aluminum shall not include food or beverage containers means~~
 18 ~~any item, in any form, for which the purchase price described in K.S.A.~~
 19 ~~2014 Supp. 50-6,110 and 50-6,111, and amendments thereto, was~~
 20 ~~primarily based on the content therein of:~~

21 ~~(A) Aluminum, except that aluminum shall not include food or~~
 22 ~~beverage containers;~~

23 ~~(B) copper;~~

24 ~~(C) brass;~~

25 ~~(D) bronze;~~

26 ~~(E) stainless steel;~~

27 ~~(F) zinc;~~

28 ~~(G) titanium;~~

29 ~~(H) tungsten;~~

30 ~~(I) nickel;~~

31 ~~(J) platinum;~~

32 ~~(K) palladium;~~

33 ~~(L) rhodium;~~

34 ~~(M) magnesium;~~

35 ~~(N) lead;~~

36 ~~(O) any other nonferrous metal; or~~

37 ~~(P) any combination of nonferrous metals listed in subsections (b)(2)~~

38 ~~(A) through (b)(2)(P).~~

39 ~~(3) "Bales of regulated metal" means regulated scrap metal~~
 40 ~~property processed with professional recycling equipment by compression,~~
 41 ~~shearing or shredding, to a form in which it may be sold by a scrap metal~~
 42 ~~dealer consistent with industry standards.~~

43 ~~(e) "Ferrous metal" means a metal that contains iron or steel.~~

1 ~~(f)~~ (4) "Junk vehicle" means a vehicle *as defined in K.S.A. 8-126(pp),*
 2 *and amendments thereto,* not requiring a title as provided in chapter 8 of
 3 the Kansas Statutes Annotated, and amendments thereto, *an aircraft, or a*
 4 *boat, farming implement, industrial equipment, trailer or any other*
 5 *conveyance used on the highways and roadways, which has no use or*
 6 *resale value except as scrap which is being sold for scrap value.*

7 ~~(g)~~ (5) "Nonferrous metal" means a metal that does not contain iron
 8 or steel, ~~including but not limited to: Copper, brass, aluminum, bronze,~~
 9 ~~lead, zine, nickel and their alloys.~~

10 ~~(h)~~ "Tin" means a metal consisting predominantly of light sheet metal
 11 ferrous scrap, including large and small household appliances, construction
 12 siding and construction roofing.

13 ~~(i)~~ (6) "Vehicle part" means the front clip consisting of the two front
 14 fenders, hood, grill and front bumper of an automobile assembled as one
 15 unit; or the rear clip consisting of those body parts behind the rear edge of
 16 the back doors, including both rear quarter panels, the rear window, trunk
 17 lid, trunk floor panel and rear bumper, assembled as one unit; ~~or any other~~
 18 ~~vehicle part.~~

19 (7) "Person" means any individual, scrap metal dealer, manager or
 20 employee, owner, operator, corporation, partnership or association.

21 (8) "Attorney general" means the attorney general of the state of
 22 Kansas or the attorney general's designee.

23 Sec. 12. K.S.A. 2014 Supp. 50-6,110 is hereby amended to read as
 24 follows: 50-6,110. (a) ~~Except as provided in subsection (d),~~ It shall be
 25 unlawful for any person to sell any item or items of regulated scrap metal
 26 to a scrap metal dealer, or employee or agent of a dealer, in this state
 27 unless such person *meets the requirements of this subsection.*

28 (1) *Such person shall presents present* to such scrap metal dealer, or
 29 employee or agent of such dealer, at or before the time of sale, the
 30 following ~~information:~~ The seller's name, address, sex, date of birth and
 31 ~~the identifying number from~~ the seller's driver's license, military
 32 identification card, passport or personal identification license. ~~The~~
 33 ~~identifying number from~~ An official governmental document for a country
 34 other than the United States may be used to meet this requirement
 35 provided that a legible fingerprint is also obtained from the seller.

36 (2) *Such person shall complete and sign the statement provided for in*
 37 *subsection (b)(10).*

38 (b) Every scrap metal dealer shall keep a register in which the dealer,
 39 or employee or agent of the dealer, shall at the time of purchase or receipt
 40 of any item for which such information is required to be presented, cross-
 41 reference to previously received information, or accurately and legibly
 42 record at the time of sale the following information:

43 (1) The time, date and place of transaction;

1 (2) the seller's name, address, sex, date of birth and the identifying
2 number from the seller's driver's license, military identification card,
3 passport or personal identification license; the identifying number from an
4 official governmental document for a country other than the United States
5 may be used to meet this requirement provided that a legible fingerprint is
6 also obtained from the seller;

7 (3) a copy of the identification card or document containing such
8 identifying number;

9 (4) the license number, color and style or make of any motor vehicle
10 in which the junk vehicle or other regulated scrap metal property is
11 delivered in a purchase transaction;

12 (5) a general description, made in accordance with the custom of the
13 trade, of the predominant types of junk vehicle or other regulated scrap
14 metal property purchased in the transaction;

15 (6) the weight, quantity or volume, made in accordance with the
16 custom of the trade, of the regulated scrap metal property purchased;

17 (7) if a junk vehicle or vehicle part is being bought or sold, a
18 description of the junk vehicle or vehicle part, including the make, model,
19 color, vehicle identification number and serial number if applicable;

20 (8) ~~the amount of consideration given in a purchase price paid for,~~
21 ~~traded for or dealt for in a transaction for the junk vehicle or other~~
22 ~~regulated scrap metal property; and~~

23 (9) the *full* name of the individual acting on behalf of the regulated
24 scrap metal dealer in making the purchase; *and*

25 (10) *a signed statement from the seller indicating from where the*
26 *property was obtained and that: (A) Each item is the seller's own personal*
27 *property, is free of encumbrances and is not stolen; or (B) the seller is*
28 *acting for the owner and has permission to sell each item. If the seller is*
29 *not the owner, such statement shall include the name and address of the*
30 *owner of the property.*

31 (c) *Every scrap metal dealer shall photograph both the seller and the*
32 *item or lot of items being sold at the time of purchase or receipt of any*
33 *item for which such information is required to be presented. Such*
34 *photographs shall be kept with the record of the transaction and the scrap*
35 *metal dealer's register of information required by subsection (b).*

36 (e) (d) *The scrap metal dealer's register of information required by*
37 *subsection (b), including copies of identification cards and signed*
38 *statements by sellers, and photographs required by subsection (c) may be*
39 *kept in electronic format.*

40 (e) *Every scrap metal dealer shall forward the information required*
41 *by this section to the database described in section 1, and amendments*
42 *thereto.*

43 (d) ~~Notwithstanding the foregoing, this section shall not apply to:~~

1 ~~(1) Transactions involving regulated scrap metal, except for catalytic~~
 2 ~~converters, for which the total sale price for all regulated scrap metal is~~
 3 ~~\$50.00 or less;~~

4 ~~(2) transactions involving only catalytic converters for which the total~~
 5 ~~sale price is \$30.00 or less;~~

6 ~~(3) transactions in which the seller is also a scrap metal dealer; or~~

7 ~~(4) transactions for which the seller is known to the purchasing scrap~~
 8 ~~metal dealer to be an established business that operates out of a fixed~~
 9 ~~business location and that can reasonably be expected to generate~~
 10 ~~regulated scrap metal.~~

11 ~~(e) The exceptions contained in subsections (d)(1) and (d)(2) shall not~~
 12 ~~apply to any purchase from any seller of the following materials:~~

13 ~~(1) Catalytic converters purchased separate from a vehicle;~~

14 ~~(2) coated or insulated wire or stripped wire or burnt wire;~~

15 ~~(3) refrigeration condensing units or air conditioning coils of any~~
 16 ~~type; or~~

17 ~~(4) copper tubing, bars, plate, buss bar and sheet copper.~~

18 ~~(f) It shall be unlawful for any scrap metal dealer, or employee or~~
 19 ~~agent of the dealer, to pay for any of the items described in subsections (e)~~
 20 ~~(1) through (4) by any means other than:~~

21 ~~(1) A prenumbered check drawn on a regular bank account in the~~
 22 ~~name of the scrap metal dealer and with such check made payable to the~~
 23 ~~person documented as the seller in accordance with subsection (b); or~~

24 ~~(2) a system for automated cash or electronic payment distribution~~
 25 ~~which photographs or videotapes the payment recipient and identifies the~~
 26 ~~payment with a distinct transaction in the register maintained in~~
 27 ~~accordance with subsection (b).~~

28 ~~(f) Notwithstanding any other provision to the contrary, this section~~
 29 ~~shall not apply to transactions in which the seller is a:~~

30 ~~(1) Registered scrap metal dealer;~~

31 ~~(2) vehicle dealer licensed under chapter 8 of the Kansas Statutes~~
 32 ~~Annotated, and amendments thereto; or~~

33 ~~(3) scrap metal dealer or vehicle dealer registered or licensed in~~
 34 ~~another state.~~

35 ~~(g) (1) Except as provided in subsection (g)(2), this section shall not~~
 36 ~~apply to transactions in which the seller is known to the purchasing scrap~~
 37 ~~metal dealer to be a licensed business that operates out of a fixed business~~
 38 ~~location and that can reasonably be expected to generate regulated scrap~~
 39 ~~metal.~~

40 ~~(2) The attorney general may determine, by rules and regulations,~~
 41 ~~which of the requirements of this section shall apply to transactions~~
 42 ~~described in subsection (g)(1).~~

43 Sec. 13. K.S.A. 2014 Supp. 50-6,111 is hereby amended to read as

1 follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer,
2 or employee or agent of the dealer, to purchase any item or items of
3 regulated scrap metal in a transaction for which K.S.A. 2014 Supp. 50-
4 6,110, and amendments thereto, requires information to be presented by
5 the seller, without demanding and receiving from the seller that
6 information. Every scrap metal dealer shall file and maintain a record of
7 information obtained in compliance with the requirements in K.S.A. 2014
8 Supp. 50-6,110, and amendments thereto. All records kept in accordance
9 with the provisions of this act shall be open at all times to peace or law
10 enforcement officers and shall be kept for two years. If the required
11 information is maintained in electronic format, the scrap metal dealer shall
12 provide a printout of the information to peace or law enforcement officers
13 upon request.

14 ~~(b) It shall be unlawful for any scrap metal dealer, or employee or~~
15 ~~agent of the dealer, to purchase any item or items of regulated scrap metal~~
16 ~~in a transaction for which K.S.A. 2014 Supp. 50-6,110, and amendments~~
17 ~~thereto, requires information to be presented by the seller, without~~
18 ~~obtaining from the seller a signed statement that: (1) Each item is the~~
19 ~~seller's own personal property, is free of encumbrances and is not stolen; or~~
20 ~~(2) that the seller is acting for the owner and has permission to sell each~~
21 ~~item.~~

22 ~~(c)~~ (b) It shall be unlawful for any scrap metal dealer, or employee or
23 agent of the dealer, to purchase any junk vehicle in a transaction for which
24 K.S.A. 2014 Supp. 50-6,110, and amendments thereto, requires
25 information to be presented by the seller, without:

26 (1) Inspecting the vehicle offered for sale and recording the vehicle
27 identification number; and

28 (2) obtaining an appropriate ~~vehicle title or~~ bill of sale issued by a
29 governmentally operated vehicle impound facility if the vehicle purchased
30 has been impounded by such facility or agency.

31 ~~(d)~~ (c) It shall be unlawful for any scrap metal dealer, or employee or
32 agent of the dealer, to purchase or receive any regulated scrap metal from a
33 minor unless such minor is accompanied by a parent or guardian or such
34 minor is a licensed scrap metal dealer.

35 ~~(e)~~ (d) It shall be unlawful for any scrap metal dealer, or employee or
36 agent of the dealer, to purchase any of the following items ~~of regulated~~
37 ~~scrap metal property~~ without obtaining proof that the seller is an
38 employee, agent or person who is authorized to sell the item ~~of regulated~~
39 ~~scrap metal property~~ on behalf of the governmental entity; utility
40 provider; railroad; cemetery; civic organization; *manufacturing,*
41 *industrial or other commercial vendor that generates or sells such items in*
42 *the regular course of business;* or scrap metal dealer:

43 (1) Utility access cover;

- 1 (2) street light poles or fixtures;
- 2 (3) road or bridge guard rails;
- 3 (4) highway or street sign;
- 4 (5) water meter cover;
- 5 (6) traffic directional or traffic control signs;
- 6 (7) traffic light signals;
- 7 (8) any metal marked with any form of the name or initials of a
- 8 governmental entity;
- 9 (9) property owned and marked by a telephone, cable, electric, water
- 10 or other utility provider;
- 11 (10) property owned and marked by a railroad;
- 12 (11) funeral markers or vases;
- 13 (12) historical markers;
- 14 (13) bales of regulated metal;
- 15 (14) beer kegs;
- 16 (15) manhole covers;
- 17 (16) fire hydrants or fire hydrant caps;
- 18 (17) junk vehicles with missing or altered vehicle identification
- 19 numbers;
- 20 (18) real estate signs;
- 21 (19) bleachers or risers, in whole or in part; ~~and~~
- 22 (20) twisted pair copper telecommunications wiring of 25 pair or
- 23 greater existing in 19, 22, 24 or 26 gauge; *and*
- 24 (21) *burnt wire*.

25 (f) (e) It shall be unlawful for any scrap metal dealer, or employee or
 26 agent of the dealer, to sell, trade, melt or crush, or in any way dispose of,
 27 alter or destroy any regulated scrap metal, junk vehicle or vehicle part
 28 upon notice from any law enforcement agency, or any of their agents or
 29 employees, that they have cause to believe an item has been stolen. A scrap
 30 metal dealer shall hold any of the items that are designated by or on behalf
 31 of the law enforcement agency for 30 days, exclusive of weekends and
 32 holidays.

33 Sec. 14. K.S.A. 2014 Supp. 50-6,112a is hereby amended to read as
 34 follows: 50-6,112a. (a) ~~No business shall~~ *A scrap metal dealer shall not*
 35 *purchase any regulated scrap metal without having first registered each*
 36 *place of business with the attorney general as herein provided. In case*
 37 *such place of business is located within the corporate limits of a city, the*
 38 *registration shall be made to the governing body of such city. In all other*
 39 *eases, the registration shall be made to the board of county commissioners*
 40 *in the county in which such place of business is to be located.*

41 (b) ~~A board of county commissioners shall provide the clerk of the~~
 42 ~~township with written notice of the filing of a registration by a scrap metal~~
 43 ~~dealer within 10 days of registration or renewal.~~

1 ~~(e) The governing body of any city and the board of county~~
2 ~~commissioners shall provide the sheriff, chief of police or director of all~~
3 ~~law enforcement agencies in the county written notice of the filing of~~
4 ~~registration by a scrap metal dealer within 10 days of registration or~~
5 ~~renewal.~~

6 (b) *The attorney general shall establish a system for the public to*
7 *confirm scrap metal dealer registration certificates. Such system shall*
8 *include a listing of valid registration certificates and such other*
9 *information collected pursuant to the scrap metal theft reduction act, as*
10 *the attorney general may determine is appropriate. Disclosure of any*
11 *information through use of the system established by the attorney general*
12 *shall not be deemed to be an endorsement of any scrap metal dealer or*
13 *determination of any facts, qualifications, information or reputation of any*
14 *scrap metal dealer by the attorney general, the state, or any of their*
15 *respective agents, officers, employees or assigns.*

16 ~~(c)~~ (c) A registration for a scrap metal dealer shall be verified and
17 upon a form approved by the attorney general and contain:

18 (1) (A) The name and residence of the applicant, *including all*
19 *previous names and aliases; or*

20 (B) *if the applicant is a: Corporation, the name and address of each*
21 *stockholder; limited liability company, the name and address of each*
22 *member; or partnership, the name and address of each partner;*

23 (2) the length of time that the applicant has resided within the state of
24 Kansas and a list of all residences outside the state of Kansas during the
25 previous 10 years;

26 (3) the particular place of business for which a registration is desired,
27 *the name of the business, the address where the business is to be*
28 *conducted, the hours of operation and the days of the week during which*
29 *the applicant proposes to engage in business;*

30 (4) the name of the owner of the premises upon which the place of
31 business is located; and

32 (5) the applicant shall disclose any prior convictions within 10 years
33 immediately preceding the date of making the registration for: ~~Theft, as~~
34 ~~defined in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2014 Supp. 21-~~
35 ~~5801, and amendments thereto, theft of property lost, mislaid or delivered~~
36 ~~by mistake, as defined in K.S.A. 21-3703, prior to its repeal, or K.S.A.~~
37 ~~2014 Supp 21-5802, and amendments thereto, theft of services, as defined~~
38 ~~in K.S.A. 21-3704, prior to its repeal, criminal deprivation of property, as~~
39 ~~defined in K.S.A. 21-3705, prior to its repeal, or K.S.A. 2014 Supp. 21-~~
40 ~~5803, and amendments thereto, or any other crime involving possession of~~
41 ~~stolen property~~ *A violation of article 37 of chapter 21 of the Kansas*
42 *Statutes Annotated, prior to their repeal, or K.S.A. 2014 Supp. 21-5801*
43 *through 21-5839 or K.S.A. 2014 Supp. 21-6412(a)(6); perjury, K.S.A. 21-*

1 3805, prior to its repeal, or K.S.A. 2014 Supp. 21-5903, compounding a
 2 crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or
 3 official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime,
 4 K.S.A. 21-3818, prior to its repeal; interference with law enforcement,
 5 K.S.A. 2014 Supp. 21-5904, and amendments thereto; interference with
 6 judicial process, K.S.A. 2014 Supp. 21-5905, and amendments thereto; or
 7 any crime involving dishonesty or false statement or any substantially
 8 similar offense pursuant to the laws of any city, state or of the United
 9 States.

10 ~~(e)~~ (d) Each registration for a scrap metal dealer to purchase regulated
 11 scrap metal shall be accompanied by a fee of not less than ~~\$100 nor more~~
 12 ~~than \$400, as prescribed by the board of county commissioners or the~~
 13 ~~governing body of the city, as the case may be \$500 nor more than \$1,500,~~
 14 ~~as prescribed by the attorney general for each particular place of business~~
 15 ~~for which a registration is desired.~~

16 ~~(f)~~ (e) ~~The board of county commissioners or the governing body of a~~
 17 ~~city attorney general shall accept a registration for a scrap metal dealer as~~
 18 ~~otherwise provided for herein, from any scrap metal dealer engaged in~~
 19 ~~business in such county or city and qualified to file such registration, to~~
 20 ~~purchase regulated scrap metals. Such registration shall be issued for a~~
 21 ~~period of 10 years one year.~~

22 ~~(g)~~ (f) If an original registration is accepted, ~~the governing body of~~
 23 ~~the city or the board of county commissioners attorney general shall grant~~
 24 ~~and issue renewals thereof upon application of the registration holder, if~~
 25 ~~the registration holder is qualified to receive the same and the registration~~
 26 ~~has not been revoked as provided by law. The registration fee for such~~
 27 ~~renewal shall be not less than \$25 nor more than \$50 renewal fee shall be~~
 28 ~~not more than \$1,500, as prescribed by the attorney general.~~

29 ~~(h)~~ (g) ~~No~~ Any registration issued under this act shall *not* be
 30 transferable.

31 ~~(i)~~ ~~Violation of subsection (a) is a class A nonperson misdemeanor.~~

32 ~~(j)~~ (h) This section shall not apply to a business licensed under the
 33 provisions of K.S.A. 8-2404, and amendments thereto, unless such
 34 business buys or recycles regulated scrap metal that are not motor vehicle
 35 components.

36 Sec. 15. On and after January 1, 2016, K.S.A. 2014 Supp. 50-6,112b
 37 is hereby amended to read as follows: 50-6,112b. (a) After examining the
 38 information contained in a filing for a scrap metal dealer registration and
 39 determining the registration meets the statutory requirements for such
 40 registration, ~~the governing body of the city or the board of county~~
 41 ~~commissioners attorney general shall accept such filing and the scrap~~
 42 ~~metal dealer shall be deemed to be properly registered.~~

43 (b) No scrap metal registration shall be accepted for:

1 (1) *A person who is not a citizen or legal permanent resident of the*
2 *United States.*

3 (2) A person who is under 18 years of age and whose parents or legal
4 guardians have been convicted of a felony or other crime which would
5 disqualify a person from registration under this section and such crime was
6 committed during the time that such parents or legal guardians held a
7 registration under this act.

8 ~~(2)~~ (3) A person who, within ~~five~~ 10 years immediately preceding the
9 date of filing, has pled guilty to, *entered into a diversion agreement for*,
10 *been convicted of*, *released from incarceration for* or *released from*
11 *probation or parole for committing, attempting to commit, or conspiring to*
12 *commit a violation of: Article 37 of chapter 21 of the Kansas Statutes*
13 *Annotated, prior to their repeal, or K.S.A. 2014 Supp. 21-5801 through 21-*
14 *5839 and subsection (a)(6) of or K.S.A. 2014 Supp. 21-6412(a)(6);*
15 *perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2014 Supp. 21-*
16 *5903; compounding a crime, K.S.A. 21-3807, prior to its repeal;*
17 *obstructing legal process or official duty, K.S.A. 21-3808, prior to its*
18 *repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal;*
19 *interference with law enforcement, K.S.A. 2014 Supp. 21-5904;*
20 *interference with judicial process, K.S.A. 2014 Supp. 21-5905;* or any
21 *crime involving ~~moral turpitude~~ dishonesty or false statement or any*
22 *substantially similar offense pursuant to the laws of any city, state or of*
23 *the United States.*

24 ~~(3)~~ A person who, within the ~~five~~ years immediately preceding the
25 date of registration, has pled guilty to, *been found guilty of*, or *entered a*
26 *diversion agreement for violating the provisions of K.S.A. 2014 Supp. 50-*
27 *6,112a, and amendments thereto, K.S.A. 50-6,109 et seq., and amendments*
28 *thereto, the laws of another state comparable to such provisions or laws of*
29 *any county or city regulating the sale or purchase of regulated scrap metal*
30 *three or more times.*

31 (4) A person who within the ~~three~~ 10 years immediately preceding the
32 date of registration held a scrap metal dealer registration which was
33 revoked, or managed a facility for a scrap metal dealer whose registration
34 was revoked, or was an employee whose conduct led to or contributed to
35 the revocation of such registration.

36 (5) A person who makes a materially false statement on the
37 registration application or has made a materially false statement on a
38 registration or similar filing within the last ~~three~~ 10 years.

39 (6) A partnership or limited liability company, unless all members of
40 the partnership or limited liability company are otherwise qualified to file
41 a registration.

42 (7) A corporation, if any manager, officer or director thereof, or any
43 stockholder owning in the aggregate more than 25% of the stock of such

1 corporation, would be ineligible to receive a license hereunder for any
2 reason.

3 (8) A person whose place of business is conducted by a manager or
4 agent unless the manager or agent possesses all of the qualifications for
5 registration.

6 (9) A person whose spouse has been convicted of a felony or other
7 crime which would disqualify a person from registration under this section
8 and such crime was committed during the time that the spouse held a
9 registration under this act.

10 (10) *A person who does not own the premises for which a license is*
11 *sought, unless the person has a written lease for at least $\frac{3}{4}$ of the period*
12 *for which the license is to be issued.*

13 (c) *Any person filing a scrap metal dealer registration may be subject*
14 *to a criminal history records check and may be given a written notice that*
15 *a criminal history records check is required. The attorney general may*
16 *require such applicant to be fingerprinted and submit to a state and*
17 *national criminal history record check. If required, such fingerprints shall*
18 *be used to identify the applicant and to determine whether the applicant*
19 *has a record of criminal history in this state or another jurisdiction. The*
20 *attorney general shall submit any fingerprints provided to the Kansas*
21 *bureau of investigation and the federal bureau of investigation for a state*
22 *and national criminal history record check. Local and state law*
23 *enforcement officers and agencies shall assist the attorney general in the*
24 *taking and processing of fingerprints of applicants. The attorney general*
25 *may use the information obtained from fingerprinting and the criminal*
26 *history for purposes of verifying the identification of the applicant and in*
27 *the official determination of whether the scrap metal dealer registration*
28 *shall be accepted. If the criminal history record information is used to*
29 *disqualify an applicant, the applicant shall be informed in writing of that*
30 *decision.*

31 Sec. 16. On and after January 1, 2016, K.S.A. 2014 Supp. 50-6,112c
32 is hereby amended to read as follows: 50-6,112c. (a) ~~The board of county~~
33 ~~commissioners or the governing body of any city~~ attorney general, upon
34 five days notice to the persons holding a registration, may suspend the
35 scrap metal dealer's registration for up to 30 days for any one of the
36 following reasons:

37 (1) ~~The registrant has been convicted of violating~~ found to have
38 violated any of the provisions of K.S.A. 50-6,109 et seq., and amendments
39 ~~thereto~~ the scrap metal theft reduction act, or any similar ordinance,
40 resolution or rules or regulations ~~made by the board or the city, as the case~~
41 ~~may be;~~

42 (2) the employment or continuation in employment of a person if the
43 registered scrap metal dealer knows such person has, within the 24 months

1 prior to the notice of suspension or revocation action, been ~~convicted of~~
 2 ~~violating~~ *found to have violated* any of the provisions of ~~K.S.A. 50-6,109~~
 3 ~~et seq., and amendments thereto~~ *the scrap metal theft reduction act*, or the
 4 laws of another state comparable to such provisions, or any city or county
 5 ordinance or resolution, or regulation controlling scrap metal sale or
 6 purchase in Kansas or any other state; or

7 (3) permitting any criminal activity under the Kansas criminal code,
 8 or similar ordinance, resolution or rules or regulations made by the board
 9 or city, as the case may be, in or upon the registrant's place of business.

10 (b) ~~(c)~~ ~~The board of county commissioners or the governing body of~~
 11 ~~any city attorney general~~ may revoke the registration of a scrap metal
 12 dealer who has had its registration suspended three or more times within a
 13 24-month period.

14 (e) ~~(d)~~ ~~The board of county commissioners or the governing body of~~
 15 ~~any city attorney general~~, upon five days' notice to the person holding the
 16 registration, shall revoke or suspend the registration for any one of the
 17 following reasons:

18 (1) The registrant has fraudulently registered by knowingly giving
 19 materially false information on the registration form;

20 (2) the registrant has become ineligible to obtain a registration under
 21 this act;

22 (3) the nonpayment of any registration fees after receiving written
 23 notice that such registration fees are more than 30 days past due; or

24 (4) ~~within 20 days after the order of the board denying, revoking or~~
 25 ~~suspending any registration, the registrant may appeal to the district court~~
 26 ~~and the district court shall proceed to hear such appeal as though the court~~
 27 ~~had original jurisdiction of the matter. Upon request by the registrant, the~~
 28 ~~district court may enjoin the revocation or suspension of a registration~~
 29 ~~until final disposition of any action brought under this act~~ *the nonpayment*
 30 *of any civil penalty after receiving written notice that such penalty is more*
 31 *than 30 days past due.*

32 (d) ~~(e)~~ Any action brought under ~~subsections (a), (b) or (e)~~ *this*
 33 *section* shall be brought individually against a single registrant's site and
 34 not against any other scrap metal sites or locations registered by the same
 35 individual, company or business entity.

36 (f) *Any person aggrieved by the decision of the attorney general to*
 37 *suspend or revoke a registration under this section may appeal such*
 38 *decision in accordance with rules and regulations promulgated by the*
 39 *attorney general to implement the scrap metal theft reduction act.*

40 Sec. 17. K.S.A. 2014 Supp. 21-5804, 21-5813, 21-6604, 21-6604c,
 41 50-6,109, 50-6,110, 50-6,111, 50-6,112 and 50-6,112a are hereby repealed.

42 Sec. 18. On and after January 1, 2016, K.S.A. 2014 Supp. 50-6,112b
 43 and 50-6,112c are hereby repealed.

1 Sec. 19. This act shall take effect and be in force from and after its
2 publication in the statute book.