

SENATE JUDICIARY COMMITTEE  
**Senator Rick Wilborn, Chairman**

**KANSAS SENTENCING COMMISSION**  
**Scott M. Schultz, Executive Director**  
**March 14, 2017**

**Proponent Testimony – HB 2092**

Thank you for the opportunity to present testimony in favor of this legislation on behalf of the Kansas Sentencing Commission. This bill increases the felony threshold value of several crimes from \$1,000 to \$1,500. K.S.A. 2016 Supp. 21-5417 (mistreatment of a dependent adult), 21-5802 (theft of property lost, mislaid or delivered by mistake), 21-5813 (criminal damage to property), 21-5821 (giving a worthless check), 21-5825 (counterfeiting), 21-5828 (criminal use of a financial card), 21-5830 (impairing a security interest), 21-5927 (Medicaid fraud), 21-6002 (official misconduct), 21-6004 (presenting a false claim), 21-6005 (misuse of public funds) and 21-6205 (criminal desecration) are affected.

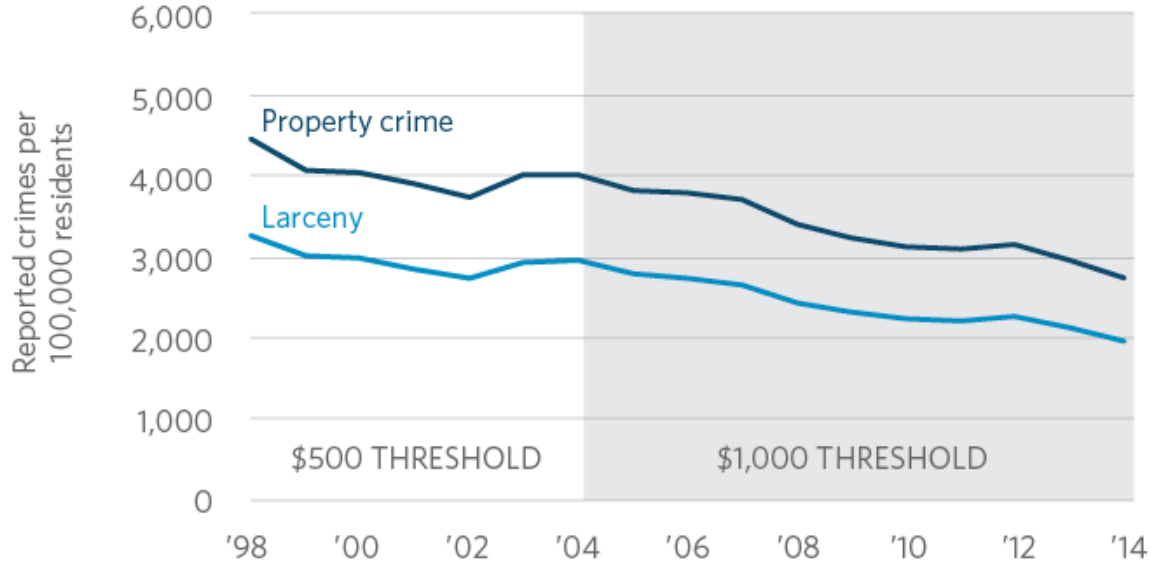
Four goals are accomplished with this change. First, it is estimated the bill would save up to three prison beds each year during the ten-year forecasting period. Second, in some cases the district court will have more discretion with the new misdemeanor thefts. This may translate into more incarceration time, if warranted, than if the offender were convicted of a felony. Third, the collateral consequence of a first-time offender will result in a misdemeanor rather than a felony conviction, which would preclude voting or possessing a firearm. Similarly, gaining employment is made more difficult if disclosure of a felony conviction is a requirement of employment. Finally, the Pew Charitable Trusts in February 2017 surveyed 28 states that have raised their felony theft thresholds since 2001. Their findings revealed that:

1. Raising those thresholds has **no** impact on overall property crime or larceny rates (see Attachment 1 for Kansas data);
2. states that increased their thresholds reported roughly the **same** average decrease in crime as the 22 states that did not change their theft laws; and
3. the value of states' felony theft thresholds – whether set at \$500, \$1,000 or \$2,000 – is **not** correlated with property crime and larceny rates.

I appreciate your time and attention to the Kansas Sentencing Commission testimony, ask for your support, and would be happy to answer questions. Thank you.

Figures 6I  
Trends in Property Crime and Larceny Rates in the 28 States That Raised Felony Theft Thresholds Between 2001 and 2011

6I - Kansas



Notes: Shaded areas indicate the period after each state's policy change. Old and new thresholds are shown for each state.  
Source: Federal Bureau of Investigation, *Crime in the United States* series, 1998-2014  
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\*Reprinted with permission from the Pew Charitable Trusts. The entire report may be found at <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/02/the-effects-of-changing-state-theft-penalties>