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Testimony to the House Judiciary Committee In Support of HB2448 January 22, 2020

Chairman Patton and Committee members:

Auto thefts are on the rise in Kansas, up 25.4% from 2014 to 2017 and up 8.7% from 2016 to 2017.¹

This is a statewide issue. In 2017 only 5 Kansas Counties reported no auto thefts.²

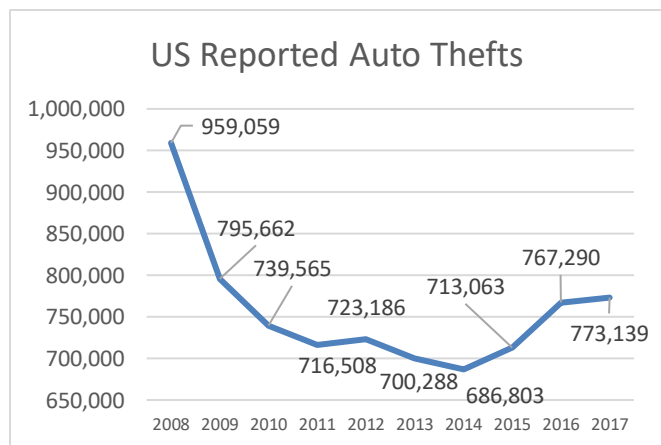
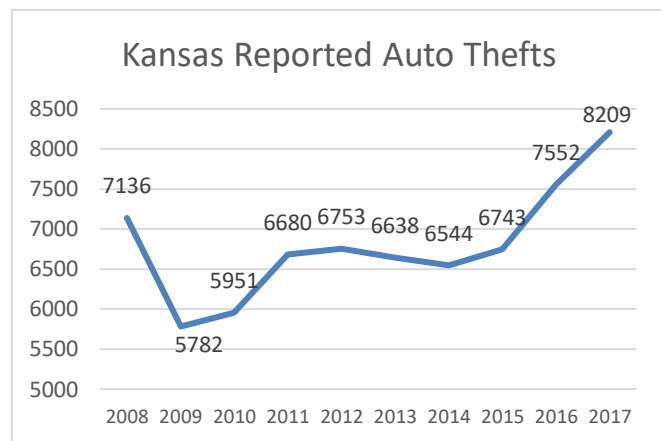
Auto thefts in the US rose by 12.6% from 2014 to 2017 and up by 3.0% from 2016 to 2017.³

Note the rise in auto thefts from 2014 to 2017 is more than double the rise in the US. The single year percentage increase from 2016 to 2017 in Kansas was more than 10 times as great as the increase across the US, up 8.7% in Kansas compared to 0.8% in the US.

Kansas ranks as the 17th highest auto theft rate per capita at 269.2 per 100,000 population. That is 13.4% above the US per capita rate of 237.4 per 100,000 population.⁴

Nationally, the average loss in each auto theft case was \$7,708 in 2017.⁵ Using those rates, Kansans suffered an estimated cumulative loss of about \$77.1 million in 2017. Those losses only include the motor vehicle and do not include lost wages, lost productivity, replacement costs, etc.

Stolen vehicles also play a major role in police pursuits. In preparing for this testimony we were able to determine that at a minimum 21% of the police pursuits in Kansas during the first 9 months of 2018 involved stolen motor vehicles. The total will be substantially higher than that because of the



¹ KBI 2017 Kansas Crime Index Report

² Same

³ FBI 2017 Crime in the United States Report

⁴ Statista, <https://www.statista.com/statistics/232588/motor-vehicle-theft-rate-in-the-us-by-state/>

⁵ Insurance Information Institute, <https://www.iii.org/fact-statistic/facts-statistics-auto-theft>

large number of pursuits we terminate without identification of the vehicle or driver. One large agency reported their identified rate at 25%.

This is only part of the problem that brought us to bring this bill forward. The public safety risk does not stop with the theft of the vehicle. Many of these vehicles are used in other crimes as disposable getaway vehicles, methods to haul away other stolen property, and black-market drug sales and transportation just to name a few. One large metro Kansas City agency were able to identify 30% of their stolen vehicles were involved in other crimes during the first ten months of 2018.

In 2016, the legislature raised the floor of felony theft from \$1,000 to \$1,500, a move to save prison beds. One of the consequences of this change is that under current law 30.8% of the 2017 stolen motor vehicle cases in Kansas were valued less than \$1,500.⁶ Others of higher value get charged as a misdemeanor “Criminal Deprivation of Property” because of the difficulty in proving the intent to permanently deprive. Criminal Deprivation of Property, KSA 21-5803, is a class A misdemeanor. It has sentencing enhancements for the first two convictions, which are misdemeanors, and the crime becomes a felony upon the third conviction relating to a motor vehicle.

Requested Statute Amendments

We are asking for four amendments to address these problems.

In the first section of the bill we request two changes to the attempt to elude statute, KSA 8-1568.

- On page 1, line 30, we are asking to add “operating a stolen motor vehicle” as an additional condition which makes attempting to elude a felony.
- On page 2, lines 2-5, we are asking to require any term of sentence to confinement for attempting elude be served consecutively to any other sentence. This is an attempt to address the reality of most sentencing we see in these cases today. Currently, many sentences for attempt to elude are made concurrent. This results in effectively no additional penalty for the attempt to elude. From the perspective of the criminal mind, they might as well give it a try to flee.

In the second section we are seeking a change to the theft statute, KSA 21-5801 on page 3, lines 27-29. This amendment makes theft of a motor vehicle valued at under \$1500 a SL10 nonperson felony. In considering this request, we ask you to think about the people who are most likely to own a motor vehicle valued at under \$1500. That will most likely be low income families and it is also likely the vehicle is their only means of conveyance. They are unlikely to have insurance to cover the theft, and unlikely to have available funds to immediately replace the vehicle.

In the third section we are asking to amend KSA 21-5804, the statute on prima facie evidence of intent to permanently deprive by adding attempting to elude law enforcement in a stolen motor vehicle. You will find that amendment on page 5, lines 34-40.

Summary

Combined, these amendments will target auto thefts including the large problem with people in stolen motor vehicles attempting to elude police.

We ask you to recommend this bill favorably for passage.

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⁶ Data from the KBI