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REVISOR of STATUTES

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MEMORANDUM

To: Senate Committee on Judiciary
From: Jenna Moyer, Assistant Revisor of Statutes
Date: February 6, 2019
Subject: SB 46 – Creating a procedure for an owner to recover misappropriated property from a pawnbroker or precious metal dealer.

SB 46 creates a procedure for an owner of tangible personal property wrongfully in possession of a pawnbroker or precious metal dealer to recover this property.

Section 1 amends K.S.A. 2018 Supp. 16-706, adding definitions for relevant terms used in the statutes regulating pawnbrokers and precious metal dealers.

Section 2 amends K.S.A. 2018 Supp. 16-720, first in subsection (a) by amending the information that a pawnbroker must require from each person that the pawnbroker purchases property from or loans money to.

In subsection (b), a procedure is created for a claimant to provide a demand for the return of personal property that is held by a pawnbroker or precious metal dealer when that property has been misappropriated. The claimant will be required to provide to the pawnbroker or precious metal dealer: (1) A written demand for return of the property, (2) a copy of the police report with a description of the property or its serial number; and (3) a signed and sworn affidavit with information that the claimant is the true owner, a description of the property and the circumstances of how the property was wrongfully procured, and a promise that the claimant will assist in any related criminal prosecutions.

Subsection (c) requires a pawnbroker or precious metal dealer to return the property to the claimant after being provided a proper demand under subsection (b). If a pawnbroker or precious metal dealer does not return the property as specified, a claimant may bring a cause of action seeking return of the property.

Subsection (d) provides a cause of action for a pawnbroker or precious metal dealer who returns property to a claimant, and later learns that the claim was false.