

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: House Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: January 27, 2021  
Subject: Bill Brief on HB 2093

HB 2093 changes penalties for the crime of fleeing or attempting to elude a police officer and adds a provision regarding evidence in a prosecution for theft of a motor vehicle.

Section 1 amends K.S.A. 8-1568, the crime of fleeing or attempting to elude a police officer. Current law in subsection (b) penalizes a driver of a motor vehicle who willfully fails or refuses to stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, and who commits certain acts in the process. The bill adds operating a stolen motor vehicle to this list of acts. Violation of subsection (b) is a severity level 9, person felony. The bill adds a new subsection (c)(3) that requires the court to impose a fine of not less than \$500 when the driver is operating a stolen motor vehicle during the commission of the offense.

Section 2 amends K.S.A. 21-5804, a statute related to theft that establishes certain prima facie evidence of intent to permanently deprive an owner or lessor of the possession, use or benefit of property. The bill adds a new subsection (e) to provide that in a prosecution for theft of a motor vehicle, fleeing or attempting to elude a police officer shall be prima facie evidence of intent to deprive the owner of the motor vehicle of the possession, use or benefit of the vehicle.