

Senate Judiciary – Senate Bill 5

January 27, 2021

Kansas Association of Criminal Defense Lawyers

Proponent

Chairperson Warren and Members of the Committee:

The Kansas Association of Criminal Defense Lawyers supports Senate Bill 5 which would raise the felony threshold amounts for a number of different crimes so that the amounts are uniform.

Senate Bill 5 seeks to create uniformity between crimes in which the severity levels are determined based on the amount of the economic loss. In 2016, the theft statute was amended to increase the threshold for felony theft from \$1,000 to \$1,500. The current statute sets forth that theft of less than \$1,500 is a misdemeanor unless the theft is part of a continuing transaction or series of transactions over the course of 72 hours, or if the theft is committed by a person who has been convicted of theft at least twice in the previous five years and the current value is greater than \$50, or if the property stolen is a firearm. However, K.S.A. 21-5802, which covers theft of property which has been lost, mislaid or delivered by mistake sets the threshold for a felony at \$1,000. It does not make sense to have a different threshold for theft than for theft of lost, mislaid or mistakenly delivered property. The same is true for the other statutes contained in SB5, including criminal damage to property under 21-5813, giving a worthless check under 21-5821, counterfeiting under 21-5825, criminal use of a financial card under 21-5828, impairing a security interest under 21-5830, Medicaid fraud under 21-5927, official misconduct under 21-6002, presenting a false claim or permitting a false claim under 21-6004, misuse of public funds under 21-6005, and criminal desecration under 21-6205.

Establishing a uniform threshold amount for all crimes where the amount of the economic loss determines the severity level of the crime would establish consistency across different crimes and allow for more uniform punishments for crimes resulting in economic losses. We urge this Committee to pass SB5 to create uniformity between crimes with severity levels that are determined based on the amount of the economic loss.

Thank you for your consideration,

Jessica Glendening

Co-chair, Legislative Committee

Kansas Association of Criminal Defense Lawyers

jglendeninglegislative@gmail.com