

**As Amended by House Committee**

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*Session of 2022*

**SENATE BILL No. 408**

By Committee on Judiciary

1-27

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1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to theft; increasing criminal penalties for multiple thefts of mail;  
3 amending K.S.A. 2021 Supp. 21-5801 and repealing the existing  
4 section.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2021 Supp. 21-5801 is hereby amended to read as  
8 follows: 21-5801. (a) Theft is any of the following acts done with intent to  
9 permanently deprive the owner of the possession, use or benefit of the  
10 owner's property or services:

11 (1) Obtaining or exerting unauthorized control over property or  
12 services;

13 (2) obtaining control over property or services, by deception;

14 (3) obtaining control over property or services, by threat;

15 (4) obtaining control over stolen property or services knowing the  
16 property or services to have been stolen by another; or

17 (5) knowingly dispensing motor fuel into a storage container or the  
18 fuel tank of a motor vehicle at an establishment in which motor fuel is  
19 offered for retail sale and leaving the premises of the establishment  
20 without making payment for the motor fuel.

21 (b) Theft of:

22 (1) Property or services of the value of \$100,000 or more is a severity  
23 level 5, nonperson felony;

24 (2) property or services of the value of at least \$25,000 but less than  
25 \$100,000 is a severity level 7, nonperson felony;

26 (3) property or services of the value of at least \$1,500 but less than  
27 \$25,000 is a severity level 9, nonperson felony, except as provided in  
28 subsection (b)(7);

29 (4) property or services of the value of less than \$1,500 is a class A  
30 nonperson misdemeanor, except as provided in subsection (b)(5), (b)(6)-~~or~~,  
31 (b)(7) *or* (b)(8);

32 (5) property of the value of less than \$1,500 from three separate  
33 mercantile establishments within a period of 72 hours as part of the same  
34 act or transaction or in two or more acts or transactions connected together  
35 or constituting parts of a common scheme or course of conduct is a  
36 severity level 9, nonperson felony;

1 (6) property of the value of at least \$50 but less than \$1,500 is a  
2 severity level 9, nonperson felony if committed by a person who has,  
3 within five years immediately preceding commission of the crime,  
4 excluding any period of imprisonment, been convicted of theft two or  
5 more times;~~and~~

6 (7) property ~~which~~ *that* is a firearm of the value of less than \$25,000  
7 is a severity level 9, nonperson felony; *and*

8 (8) *property that is mail of the value of less than \$1,500 from three*  
9 *separate locations within a period of 72 hours as part of the same act or*  
10 *transaction or in two or more acts or transactions connected together or*  
11 *constituting parts of a common scheme or course of conduct is a severity*  
12 *level 9, nonperson felony.*

13 (c) As used in this section:

14 (1) "Conviction" or "convicted" includes being convicted of a  
15 violation of K.S.A. 21-3701, prior to its repeal, this section or a municipal  
16 ordinance which prohibits the acts that this section prohibits;

17 (2) *"mail" means a letter, postal card, package or bag sent through*  
18 *the United States postal service or other delivery service, or any other*  
19 *article or thing contained therein; ~~or a sealed article or thing addressed to~~*  
20 *a person.*

21 (3) "regulated scrap metal" means the same as in K.S.A. 2021 Supp.  
22 50-6,109, and amendments thereto; and

23 ~~(3)~~(4) "value" means the value of the property or, if the property is  
24 regulated scrap metal, the cost to restore the site of the theft of such  
25 regulated scrap metal to its condition at the time immediately prior to the  
26 theft of such regulated scrap metal, whichever is greater.

27 Sec. 2. K.S.A. 2021 Supp. 21-5801 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after its  
29 publication in the statute book.