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**Testimony to the House Judiciary Committee
In Support of HB2229
February 9, 2021**

Chairman Patton and Committee Members,

Our associations support HB2229. While it is too early to have firm data on this crime from 2020, we are hearing from our members the reports of this crime are rising. The seriousness of this type of theft, often referred to as “porch piracy,” is increased when you consider how many people now get their prescription medicines and other essential health items through mail shipments.

The definition of “mail” used in the bill allows this to apply to deliveries by local merchants as well. This is an important factor in this bill protecting the growing number of Kansas merchants who are now making home deliveries.

COVID has driven an increase in mail order home supplies. Even without COVID, the younger generations are turning more to internet purchasing and the elderly are relying more on home deliveries. This is driving up the number of deliveries making this crime the new wave of thefts because of the open accessibility of these targeted deliveries until the residents return home to retrieve their packages.

This bill addresses this crime in the same way the legislature addressed a surge in serial shoplifting cases several years back. (See Section 1, subsection (b)(5) on page 1, lines 32-36 of the bill.) While it does nothing to address the single theft that is not already provided for in the theft statute, this does address those who escape serious consequences by each case remaining a misdemeanor even when the acts are repeated in a short period of time. Like the serial shoplifter provision, three or more thefts of mail within a 72-hour period with losses under \$1500 (the recently increased floor for felony theft) would combine into a low-level Severity Level 9 felony.

This bill should not have a big prison bed impact because a SL9 felony is a presumptive probation sentence unless the offender has two or more convictions of a person felony. But we believe it will have a positive impact for potential victims of this crime, just as we saw serial shoplifter crimes reduced after that provision became law.

It is also important to know the federal prosecutors rarely take these cases of theft of interstate shipments at these dollar loss levels, instead relying on local and state prosecution. Also, in some cases these thefts may not fit under the federal law if the shipment was not from outside the state.

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