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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: January 26, 2022
Subject: Bill Brief for SB 300

Senate Bill 300 amends the Kansas racketeer influenced and corrupt organization act (Kansas RICO act) to add a person who has engaged in identity theft or identity fraud to the definition of “covered person” and adds identity theft and identity fraud to the definition of “racketeering activity.”

The bill amends K.S.A. 21-6328, the definitions section for the Kansas RICO act. The definition of “covered person” is expanded to include any person who has engaged in or is engaging in any conduct prohibited by K.S.A. 21-6107, identity theft or identity fraud. The definition of “racketeering activity” is expanded to mean to commit, attempt to commit, conspire to commit or to solicit, coerce or intimidate another person to commit any felony or misdemeanor violation of K.S.A. 21-6107, identity theft or identity fraud.

Under current law in K.S.A. 21-6329, it is unlawful for any covered person: (1) Who has recklessly received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise; (2) through a pattern of racketeering activity or through the collection of an unlawful debt, to recklessly acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property; or (3) employed by, or associated with, any enterprise to recklessly conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt. Violation of this section or conspiracy to commit a violation of this section is a severity level 2, person felony.