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

Be it enacted by the Legislature of the State of Kansas:
Section 1. K.S.A. 2021 Supp. 21-5801 is hereby amended to read as
follows: 21-5801. (a) Theft is any of the following acts done with intent to
permanently deprive the owner of the possession, use or benefit of the
owner's property or services:
(1) Obtaining or exerting unauthorized control over property or
services;
(2) obtaining control over property or services, by deception;
(3) obtaining control over property or services, by threat;
(4) obtaining control over stolen property or services knowing the
property or services to have been stolen by another; or
(5) knowingly dispensing motor fuel into a storage container or the
fuel tank of a motor vehicle at an establishment in which motor fuel is
offered for retail sale and leaving the premises of the establishment
without making payment for the motor fuel.
(b) Theft of:
(1) Property or services of the value of $100,000 or more is a severity
level 5, nonperson felony;
(2) property or services of the value of at least $25,000 but less than
$100,000 is a severity level 7, nonperson felony;
(3) property or services of the value of at least $1,500 but less than
$25,000 is a severity level 9, nonperson felony, except as provided in
subsection (b)(7);
(4) property or services of the value of less than $1,500 is a class A
nonperson misdemeanor, except as provided in subsection (b)(5), (b)(6)-er,
(b)(7) or (b)(8);
(5) property of the value of less than $1,500 from three separate
mercantile establishments within a period of 72 hours as part of the same
act or transaction or in two or more acts or transactions connected together
or constituting parts of a common scheme or course of conduct is a
severity level 9, nonperson felony;
(6) property of the value of at least $50 but less than $1,500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two or more times; and

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

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

(c) As used in this section:

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

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

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

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

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

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