

## HOUSE BILL No. 2067

By Committee on Corrections and Juvenile Justice

1-18

1 AN ACT concerning crimes, punishment and criminal procedure;  
2 increasing the felony loss thresholds of certain property crimes to  
3 match theft; amending K.S.A. 2022 Supp. 21-5802, 21-5813, 21-5821,  
4 21-5825, 21-5828, 21-5830, 21-5927, 21-6002, 21-6004, 21-6005 and  
5 21-6205 and repealing the existing sections.

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

8 Section 1. K.S.A. 2022 Supp. 21-5802 is hereby amended to read as  
9 follows: 21-5802. (a) Theft of property lost, mislaid or delivered by  
10 mistake is obtaining control of property of another by a person who:

11 (1) Knows or learns the identity of the owner thereof;  
12 (2) fails to take reasonable measures to restore to the owner lost  
13 property, mislaid property or property delivered by a mistake; and  
14 (3) intends to permanently deprive the owner of the possession, use  
15 or benefit of the property.

16 (b) Theft of property lost, mislaid or delivered by mistake of the  
17 value of:

18 (1) \$100,000 or more is a severity level 5, nonperson felony;  
19 (2) at least \$25,000 but less than \$100,000 is a severity level 7,  
20 nonperson felony;  
21 (3) at least ~~\$1,000~~ \$1,500 but less than \$25,000 is a severity level 9,  
22 nonperson felony; and  
23 (4) less than ~~\$1,000~~ \$1,500 is a class A nonperson misdemeanor.

24 (c) As used in this section, "property delivered by mistake" includes,  
25 but is not limited to, a mistake as to the:

26 (1) Nature or amount of the property; or  
27 (2) identity of the recipient of the property.

28 Sec. 2. K.S.A. 2022 Supp. 21-5813 is hereby amended to read as  
29 follows: 21-5813. (a) Criminal damage to property is by means other than  
30 by fire or explosive:

31 (1) Knowingly damaging, destroying, defacing or substantially  
32 impairing the use of any property in which another has an interest without  
33 the consent of such other person; or

34 (2) damaging, destroying, defacing or substantially impairing the use  
35 of any property with intent to injure or defraud an insurer or lienholder.

36 (b) Aggravated criminal damage to property is criminal damage to

1 property, as defined in subsection (a)(1), if the value or amount of damage  
2 exceeds \$5,000, committed with the intent to obtain:

3 (1) Currency upon a remote service unit as defined in K.S.A. 9-1111,  
4 and amendments thereto, including, but not limited to, any automated cash  
5 dispensing machine or automated teller machine; or

6 (2) any regulated scrap metal as defined in K.S.A. 2022 Supp. 50-  
7 6,109, and amendments thereto, or any items listed in K.S.A. 2022 Supp.  
8 50-6,111(d), and amendments thereto, upon:

9 (A) Any building, structure, personal property or place used primarily  
10 for worship or any religious purpose;

11 (B) any building, structure or place used as a school or as an  
12 educational facility;

13 (C) any building, structure or place used by a non-profit or charitable  
14 business, corporation, firm, service or association;

15 (D) any grave, cemetery, mortuary or personal property of the  
16 cemetery or mortuary or other facility used for the purpose of burial or  
17 memorializing the dead;

18 (E) any agricultural property or agricultural infrastructure;

19 (F) any construction, mining or recycling facility, structure or site;

20 (G) any utility, utility service, telecommunication, telecommunication  
21 service, cable or video service facility, property, building, structure, site or  
22 component thereof;

23 (H) any municipal, county or state building, structure, site or  
24 property;

25 (I) any residential, commercial, industrial or agricultural irrigation,  
26 sprinkler or watering system or component thereof;

27 (J) the infrastructure of any residence, building or structure;

28 (K) any historical marker, plaque or work of art;

29 (L) any vehicle or transportation building, facility, structure, site or  
30 property; or

31 (M) any other building, structure, residence, facility, site, place,  
32 property, vehicle or any infrastructure thereof.

33 (c) Criminal damage to property if the property:

34 (1) Is damaged to the extent of \$25,000 or more is a severity level 7,  
35 nonperson felony;

36 (2) is damaged to the extent of at least ~~\$1,000~~ \$1,500 but less than  
37 \$25,000 is a severity level 9, nonperson felony; and

38 (3) damaged is of the value of less than ~~\$1,000~~ \$1,500 or is of the  
39 value of ~~\$1,000~~ \$1,500 or more and is damaged to the extent of less than  
40 ~~\$1,000~~ \$1,500 is a class B nonperson misdemeanor.

41 (d) Aggravated criminal damage to property is a severity level 6,  
42 nonperson felony.

43 (e) (1) As used in subsection (b):

1 (A) "Infrastructure" includes any fixture to, attachment upon or part  
2 of a residence, building or structure's framework, electrical wiring and  
3 appurtenances, plumbing or heating and air systems; and

4 (B) "site" includes any area, place or location set aside for specific  
5 use or uses, including, but not limited to, storage, staging, repair, sorting,  
6 transportation, planning or organization.

7 (2) Any of the items or locations listed in subsection (b) shall include  
8 the curtilage, adjoining land and any improvements thereupon.

9 (3) Nothing in subsection (b) shall be construed to require the:

10 (A) Construction or existence of any door, gate, fence, barrier or wall;  
11 or

12 (B) existence of notice, postings or signs to potential trespassers.

13 (f) In determining the amount of damage to property, damages may  
14 include the cost of repair or replacement of the property that was damaged,  
15 the reasonable cost of the loss of production, crops and livestock,  
16 reasonable labor costs of any kind, reasonable material costs of any kind  
17 and any reasonable costs that are attributed to equipment that is used to  
18 abate or repair the damage to the property.

19 Sec. 3. K.S.A. 2022 Supp. 21-5821 is hereby amended to read as  
20 follows: 21-5821. (a) Giving a worthless check is the making, drawing,  
21 issuing or delivering or causing or directing the making, drawing, issuing  
22 or delivering of any check on any financial institution for the payment of  
23 money or its equivalent with intent to defraud and knowing, at the time of  
24 the making, drawing, issuing or delivering of such check that the maker or  
25 drawer has no deposit in or credits with the financial institution or has not  
26 sufficient funds in, or credits with, the financial institution for the payment  
27 of such check in full upon its presentation.

28 (b) Giving a worthless check is a:

29 (1) Severity level 7, nonperson felony if:

30 (A) The check is drawn for \$25,000 or more; or

31 (B) more than one worthless check is given within a seven-day period  
32 and the combined total of the checks is \$25,000 or more;

33 (2) severity level 9, nonperson felony if:

34 (A) The check is drawn for at least ~~\$1,000~~ \$1,500 but less than  
35 \$25,000;

36 (B) more than one worthless check is given within a seven-day period  
37 and the combined total of the checks is at least ~~\$1,000~~ \$1,500 but less than  
38 \$25,000; or

39 (C) the person giving the worthless check has, within five years  
40 immediately preceding commission of the crime, been convicted of giving  
41 a worthless check two or more times; and

42 (3) class A nonperson misdemeanor if the check is drawn for less than  
43 ~~\$1,000~~ \$1,500.

1 (c) As used in this section and K.S.A. 2022 Supp. 21-5822, and  
2 amendments thereto:

- 3 (1) "Check" is any check, order or draft on a financial institution;
- 4 (2) "financial institution" means any bank, credit union, savings and  
5 loan association or depository; and
- 6 (3) "notice" includes oral or written notice to the person entitled  
7 thereto.

8 (d) In any prosecution against the maker or drawer of a check,  
9 payment of which has been refused by the financial institution on account  
10 of insufficient funds, the making, drawing, issuing or delivering of such  
11 check shall be prima facie evidence of intent to defraud and of knowledge  
12 of insufficient funds in, or on deposit with, the financial institution:

13 (1) Unless the maker or drawer pays the holder thereof the amount  
14 due thereon and a service charge not exceeding \$30 for each check, within  
15 seven days after notice has been given to the maker or drawer that such  
16 check has not been paid by the financial institution. Written notice shall be  
17 presumed to have been given when deposited as restricted matter in the  
18 United States mail, addressed to the person to be given notice at such  
19 person's address as it appears on such check; or

20 (2) if a postdated date is placed on the check without the knowledge  
21 or consent of the payee.

22 (e) It shall not be a defense to a prosecution under this section that the  
23 check upon which such prosecution is based was:

24 (1) Postdated, unless such check was presented for payment prior to  
25 the postdated date; or

26 (2) given to a payee who had knowledge or had been informed, when  
27 the payee accepted such check that the maker did not have sufficient funds  
28 in the hands of the financial institution to pay such check upon  
29 presentation, unless such check was presented for payment prior to the  
30 date the maker informed the payee there would be sufficient funds.

31 (f) In addition to all other costs and fees allowed by law, each  
32 prosecutor who takes any action under the provisions of this section may  
33 collect from the issuer in such action an administrative handling cost,  
34 except in cases filed in a court of appropriate jurisdiction. The cost shall  
35 not exceed \$10 for each check. If the issuer of the check is convicted in a  
36 district court, the administrative handling costs may be assessed as part of  
37 the court costs in the matter. The moneys collected pursuant to this  
38 subsection shall be deposited into a trust fund which shall be administered  
39 by the board of county commissioners. The funds shall be expended only  
40 with the approval of the board of county commissioners, but may be used  
41 to help fund the normal operating expenses of the county or district  
42 attorney's office.

43 Sec. 4. K.S.A. 2022 Supp. 21-5825 is hereby amended to read as

1 follows: 21-5825. (a) Counterfeiting is manufacturing, using, displaying,  
2 advertising, distributing or possessing with intent to distribute any item or  
3 services knowing such item or services bear or are identified by a  
4 counterfeit mark.

5 (b) Counterfeiting is a:

6 (1) Severity level 7, nonperson felony if:

7 (A) The retail value of such item or service is \$25,000 or more;

8 (B) such counterfeiting involves 1,000 or more items bearing a  
9 counterfeit mark; or

10 (C) a third or subsequent violation of this section;

11 (2) severity level 9, nonperson felony if:

12 (A) The retail value of such item or service is at least ~~\$1,000~~ \$1,500  
13 but less than \$25,000;

14 (B) such counterfeiting involves more than 100 but less than 1,000  
15 items bearing a counterfeit mark; or

16 (C) a second violation of this section; and

17 (3) class A nonperson misdemeanor, if the retail value of such item or  
18 service is less than ~~\$1,000~~ \$1,500.

19 (c) A person having possession, custody or control of more than 25  
20 items bearing a counterfeit mark shall be presumed to possess such items  
21 with intent to distribute.

22 (d) Any state or federal certificate of registration of any intellectual  
23 property shall be prima facie evidence of the facts stated therein.

24 (e) As used in this section:

25 (1) "Counterfeit mark" means:

26 (A) Any unauthorized reproduction or copy of intellectual property;  
27 or

28 (B) intellectual property affixed to any item knowingly sold, offered  
29 for sale, manufactured or distributed, or identifying services offered or  
30 rendered, without the authority of the owner of the intellectual property;

31 (2) "intellectual property" means any trademark, service mark or  
32 trade name as such terms are defined in K.S.A. 81-202, and amendments  
33 thereto; and

34 (3) "retail value" means the counterfeiter's regular selling price for the  
35 item or service bearing or identified by the counterfeit mark. In the case of  
36 items bearing a counterfeit mark which are components of a finished  
37 product, the retail value shall be the counterfeiter's regular selling price of  
38 the finished product on or in which the component would be utilized.

39 (f) The quantity or retail value of items or services shall include the  
40 aggregate quantity or retail value of all items bearing, or services  
41 identified by, every counterfeit mark the defendant manufactures, uses,  
42 displays, advertises, distributes or possesses.

43 Sec. 5. K.S.A. 2022 Supp. 21-5828 is hereby amended to read as

1 follows: 21-5828. (a) Criminal use of a financial card is any of the  
2 following acts done with intent to defraud and to obtain money, goods,  
3 property or services:

- 4 (1) Using a financial card without the consent of the cardholder;
- 5 (2) using a financial card, or the number or description thereof, which  
6 has been revoked or canceled; or
- 7 (3) using a falsified, mutilated, altered or nonexistent financial card or  
8 a number or description thereof.

9 (b) Criminal use of a financial card is a:

- 10 (1) Severity level 7, nonperson felony if the money, goods, property  
11 or services obtained within any seven-day period are of the value of  
12 \$25,000 or more;
- 13 (2) severity level 9, nonperson felony if the money, goods, property  
14 or services obtained within any seven-day period are of the value of at  
15 least ~~\$1,000~~ \$1,500 but less than \$25,000; and
- 16 (3) class A nonperson misdemeanor if the money, goods, property or  
17 services obtained within a seven-day period are of the value of less than  
18 ~~\$1,000~~ \$1,500.

19 (c) As used in this section:

- 20 (1) "Financial card" means an identification card, plate, instrument,  
21 device or number issued by a business organization authorizing the  
22 cardholder to purchase, lease or otherwise obtain money, goods, property  
23 or services or to conduct other financial transactions; and
- 24 (2) "cardholder" means the person or entity to whom or for whose  
25 benefit a financial card is issued.

26 (d) For the purposes of subsection (a)(2), a financial card shall be  
27 deemed canceled or revoked when notice in writing thereof has been  
28 received by the named holder thereof as shown on such financial card or  
29 by the records of the company.

30 Sec. 6. K.S.A. 2022 Supp. 21-5830 is hereby amended to read as  
31 follows: 21-5830. (a) Impairing a security interest is, with intent to defraud  
32 the secured party:

- 33 (1) Damaging, destroying or concealing any personal property subject  
34 to a security interest;
- 35 (2) selling, exchanging or otherwise disposing of any personal  
36 property subject to a security interest without the written consent of the  
37 secured party, where such sale, exchange or other disposition is not  
38 authorized by the secured party under the terms of the security agreement;  
39 or
- 40 (3) failing to account to the secured party for the proceeds of the sale,  
41 exchange or other disposition of any personal property subject to a security  
42 interest, where such sale, exchange or other disposition is authorized and  
43 such accounting for proceeds is required by the secured party under the

1 terms of the security agreement or otherwise.

2 (b) Impairing a security interest, when the personal property subject  
3 to the security interest is of the value of:

4 (1) \$25,000 or more and is subject to a security interest of \$25,000 or  
5 more is a severity level 7, nonperson felony;

6 (2) at least ~~\$1,000~~ \$1,500 and is subject to a security interest of at  
7 least ~~\$1,000~~ \$1,500 and either the value of the property or the security  
8 interest is less than \$25,000 is a severity level 9, nonperson felony; and

9 (3) less than ~~\$1,000~~ \$1,500, or of the value of ~~\$1,000~~ \$1,500 or more  
10 but subject to a security interest of less than ~~\$1,000~~ \$1,500 is a class A  
11 nonperson misdemeanor.

12 Sec. 7. K.S.A. 2022 Supp. 21-5927 is hereby amended to read as  
13 follows: 21-5927. (a) Medicaid fraud is:

14 (1) With intent to defraud, making, presenting, submitting, offering or  
15 causing to be made, presented, submitted or offered:

16 (A) Any false or fraudulent claim for payment for any goods, service,  
17 item, facility *or* accommodation for which payment may be made, in  
18 whole or in part, under the medicaid program, whether or not the claim is  
19 allowed or allowable;

20 (B) any false or fraudulent statement or representation for use in  
21 determining payments which may be made, in whole or in part, under the  
22 medicaid program, whether or not the claim is allowed or allowable;

23 (C) any false or fraudulent report or filing which is or may be used in  
24 computing or determining a rate of payment for any goods, service, item,  
25 facility or accommodation, for which payment may be made, in whole or  
26 in part, under the medicaid program, whether or not the claim is allowed or  
27 allowable;

28 (D) any false or fraudulent statement or representation made in  
29 connection with any report or filing which is or may be used in computing  
30 or determining a rate of payment for any goods, service, item, facility or  
31 accommodation for which payment may be made, in whole or in part,  
32 under the medicaid program, whether or not the claim is allowed or  
33 allowable;

34 (E) any statement or representation for use by another in obtaining  
35 any goods, service, item, facility or accommodation for which payment  
36 may be made, in whole or in part, under the medicaid program, knowing  
37 the statement or representation to be false, in whole or in part, by  
38 commission or omission, whether or not the claim is allowed or allowable;

39 (F) any claim for payment, for any goods, service, item, facility, or  
40 accommodation, which is not medically necessary in accordance with  
41 professionally recognized parameters or as otherwise required by law, for  
42 which payment may be made, in whole or in part, under the medicaid  
43 program, whether or not the claim is allowed or allowable;

1 (G) any wholly or partially false or fraudulent book, record,  
2 document, data or instrument, which is required to be kept or which is kept  
3 as documentation for any goods, service, item, facility or accommodation  
4 or of any cost or expense claimed for reimbursement for any goods,  
5 service, item, facility or accommodation for which payment is, has been,  
6 or can be sought, in whole or in part, under the medicaid program, whether  
7 or not the claim is allowed or allowable;

8 (H) any wholly or partially false or fraudulent book, record,  
9 document, data or instrument to any properly identified law enforcement  
10 officer, any properly identified employee or authorized representative of  
11 the attorney general, or to any properly identified employee or agent of the  
12 Kansas department for aging and disability services, Kansas department of  
13 health and environment, or its fiscal agent, in connection with any audit or  
14 investigation involving any claim for payment or rate of payment for any  
15 goods, service, item, facility or accommodation payable, in whole or in  
16 part, under the medicaid program; or

17 (I) any false or fraudulent statement or representation made, with the  
18 intent to influence any acts or decision of any official, employee or agent  
19 of a state or federal agency having regulatory or administrative authority  
20 over the medicaid program; or

21 (2) intentionally executing or attempting to execute a scheme or  
22 artifice to defraud the medicaid program or any contractor or subcontractor  
23 thereof.

24 (b) (1) Except as provided in subsection (b)(2), for each individual  
25 count of medicaid fraud as defined in subsection (a)(1)(A), (a)(1)(B), (a)  
26 (1)(C), (a)(1)(D), (a)(1)(E), (a)(1)(F), (a)(1)(G) or (a)(2), where the  
27 aggregate amount of payments illegally claimed is:

28 (A) \$250,000 or more, medicaid fraud is a severity level 3, nonperson  
29 felony;

30 (B) at least \$100,000 but less than \$250,000, medicaid fraud is a  
31 severity level 5, nonperson felony;

32 (C) at least \$25,000 but less than \$100,000, medicaid fraud is a  
33 severity level 7, nonperson felony;

34 (D) at least ~~\$1,000~~ \$1,500 but less than \$25,000, medicaid fraud is a  
35 severity level 9, nonperson felony; and

36 (E) less than ~~\$1,000~~ \$1,500, medicaid fraud is a class A nonperson  
37 misdemeanor.

38 (2) For each individual count of medicaid fraud as defined in  
39 subsection (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(1)(F),  
40 (a)(1)(G) or (a)(2):

41 (A) When great bodily harm results from such act, regardless of the  
42 aggregate amount of payments illegally claimed, medicaid fraud is a  
43 severity level 4, person felony, except as provided in subsection (b)(2)(B);



1 and

2 (B) when death results from such act, regardless of the aggregate  
3 amount of payments illegally claimed, medicaid fraud is a severity level 1,  
4 person felony.

5 (3) Medicaid fraud as defined in subsection (a)(1)(H) or (a)(1)(I) is a  
6 severity level 9, nonperson felony.

7 (c) In determining what is medically necessary pursuant to subsection  
8 (a)(1)(F), the attorney general may contract with or consult with qualified  
9 health care providers and other qualified individuals to identify  
10 professionally recognized parameters for the diagnosis or treatment of the  
11 recipient's condition, illness or injury.

12 (d) In sentencing for medicaid fraud, ~~subsection (e)(3) of~~ K.S.A.  
13 2022 Supp. 21-6815(c)(3), and amendments thereto, shall not apply and an  
14 act or omission by the defendant that resulted in any medicaid recipient  
15 receiving any service that was of lesser quality or amount than the service  
16 to which such recipient was entitled may be considered an aggravating  
17 factor in determining whether substantial and compelling reasons for  
18 departure exist pursuant to K.S.A. 2022 Supp. 21-6801 through 21-6824,  
19 and amendments thereto.

20 (e) A person who violates the provisions of this section may also be  
21 prosecuted for, convicted of, and punished for any form of battery or  
22 homicide.

23 Sec. 8. K.S.A. 2022 Supp. 21-6002 is hereby amended to read as  
24 follows: 21-6002. (a) Official misconduct is any of the following acts  
25 committed by a public officer or employee in the officer or employee's  
26 public capacity or under color of the officer or employee's office or  
27 employment:

28 (1) Knowingly using or authorizing the use of any aircraft, as defined  
29 by K.S.A. 3-201, and amendments thereto, vehicle, as defined by K.S.A.  
30 8-1485, and amendments thereto, or vessel, as defined by K.S.A. 32-1102,  
31 and amendments thereto, under the officer's or employee's control or  
32 direction, or in the officer's or employee's custody, exclusively for the  
33 private benefit or gain of the officer or employee or another;

34 (2) knowingly failing to serve civil process when required by law;

35 (3) using confidential information acquired in the course of and  
36 related to the officer's or employee's office or employment for the private  
37 benefit or gain of the officer or employee or another or to intentionally  
38 cause harm to another;

39 (4) except as authorized by law, with the intent to reduce or eliminate  
40 competition among bidders or prospective bidders on any contract or  
41 proposed contract:

42 (A) Disclosing confidential information regarding proposals or  
43 communications from bidders or prospective bidders on any contract or

- 1 proposed contract;
- 2 (B) accepting any bid or proposal on a contract or proposed contract
- 3 after the deadline for acceptance of such bid or proposal; or
- 4 (C) altering any bid or proposal submitted by a bidder on a contract
- 5 or proposed contract;
- 6 (5) except as authorized by law, knowingly destroying, tampering
- 7 with or concealing evidence of a crime; or
- 8 (6) knowingly submitting to a governmental entity a claim for
- 9 expenses ~~which~~ *that* is false or duplicates expenses for which a claim is
- 10 submitted to such governmental entity, another governmental or private
- 11 entity.
- 12 (b) (1) Official misconduct as defined in:
- 13 (A) Subsections (a)(1) through (a)(4) is a class A nonperson
- 14 misdemeanor;
- 15 (B) subsection (a)(5) is a:
- 16 (i) Severity level 8, nonperson felony if the evidence is evidence of a
- 17 crime ~~which~~ *that* is a felony; and
- 18 (ii) class A nonperson misdemeanor if the evidence is evidence of a
- 19 crime ~~which~~ *that* is a misdemeanor; and
- 20 (C) subsection (a)(6) if the claim is:
- 21 (i) \$25,000 or more is a severity level 7, nonperson felony;
- 22 (ii) at least ~~\$1,000~~ *\$1,500* but less than \$25,000 is a severity level 9,
- 23 nonperson felony; and
- 24 (iii) less than ~~\$1,000~~ *\$1,500* is a class A nonperson misdemeanor.
- 25 (2) Upon conviction of official misconduct a public officer or
- 26 employee shall forfeit such officer or employee's office or employment.
- 27 (c) The provisions of subsection (a)(1) shall not apply to any use of
- 28 persons or property ~~which~~ *that*:
- 29 (1) At the time of the use, is authorized by law or by formal written
- 30 policy of the governmental entity; or
- 31 (2) constitutes misuse of public funds, as defined in K.S.A. 2022
- 32 Supp. 21-6005, and amendments thereto.
- 33 (d) As used in this section, "confidential" means any information that
- 34 is not subject to mandatory disclosure pursuant to K.S.A. 45-221, and
- 35 amendments thereto.
- 36 Sec. 9. K.S.A. 2022 Supp. 21-6004 is hereby amended to read as
- 37 follows: 21-6004. (a) Presenting a false claim is, with the intent to defraud,
- 38 presenting a claim or demand ~~which~~ *that* is false in whole or in part, to a
- 39 public officer or body authorized to audit, allow or pay such claim.
- 40 (b) Permitting a false claim is the auditing, allowing or paying of any
- 41 claim or demand made upon the state or any subdivision thereof or other
- 42 governmental instrumentality within the state by a public officer or public
- 43 employee who knows such claim or demand is false or fraudulent in whole

1 or in part.

2 (c) (1) Presenting a false claim or permitting a false claim for:

3 (A) \$25,000 or more is a severity level 7, nonperson felony;

4 (B) at least ~~\$1,000~~ \$1,500 but less than \$25,000 is a severity level 9,  
5 nonperson felony; and

6 (C) less than ~~\$1,000~~ \$1,500 is a class A nonperson misdemeanor.

7 (2) Upon conviction of permitting a false claim, a public officer or  
8 public employee shall forfeit the officer or employee's office or  
9 employment.

10 Sec. 10. K.S.A. 2022 Supp. 21-6005 is hereby amended to read as  
11 follows: 21-6005. (a) Misuse of public funds is knowingly using, lending  
12 or permitting another to use public money in a manner not authorized by  
13 law, by a custodian or other person having control of public money by  
14 virtue of such person's official position.

15 (b) (1) Misuse of public funds where the aggregate amount of money  
16 paid or claimed in violation of this section is:

17 (A) \$100,000 or more is a severity level 5, nonperson felony;

18 (B) at least \$25,000 but less than \$100,000 is a severity level 7,  
19 nonperson felony;

20 (C) at least ~~\$1,000~~ \$1,500 but less than \$25,000 is a severity level 9,  
21 nonperson felony; and

22 (D) less than ~~\$1,000~~ \$1,500 is a class A nonperson misdemeanor.

23 (2) Upon conviction of misuse of public funds, the convicted person  
24 shall forfeit the person's official position.

25 (c) As used in this section, "public money" means any money or  
26 negotiable instrument ~~which~~ that belongs to the state of Kansas or any  
27 political subdivision thereof.

28 Sec. 11. K.S.A. 2022 Supp. 21-6205 is hereby amended to read as  
29 follows: 21-6205. (a) Criminal desecration is:

30 (1) Knowingly obtaining or attempting to obtain unauthorized control  
31 of a dead body or remains of any human being or the coffin, urn or other  
32 article containing a dead body or remains of any human being; or

33 (2) recklessly, by means other than by fire or explosive:

34 (A) Damaging, defacing or destroying the flag, ensign or other  
35 symbol of the United States or this state in which another has a property  
36 interest without the consent of such other person;

37 (B) damaging, defacing or destroying any public monument or  
38 structure;

39 (C) damaging, defacing or destroying any tomb, monument,  
40 memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other  
41 property in a cemetery; or

42 (D) damaging, defacing or destroying any place of worship.

43 (b) Criminal desecration as defined in:

1       (1) ~~Subsections~~*Subsection* (a)(2)(B), (a)(2)(C) or (a)(2)(D) if the  
2 property is damaged to the extent of:

3       (A) \$25,000 or more is a severity level 7, nonperson felony;

4       (B) at least ~~\$1,000~~ \$1,500 but less than \$25,000 is a severity level 9,  
5 nonperson felony; and

6       (C) less than ~~\$1,000~~ \$1,500 is a class A nonperson misdemeanor; and

7       (2) ~~subsections~~*subsection* (a)(1) or (a)(2)(A) is a class A nonperson  
8 misdemeanor.

9       Sec. 12. K.S.A. 2022 Supp. 21-5802, 21-5813, 21-5821, 21-5825, 21-  
10 5828, 21-5830, 21-5927, 21-6002, 21-6004, 21-6005 and 21-6205 are  
11 hereby repealed.

12       Sec. 13. This act shall take effect and be in force from and after its  
13 publication in the statute book.