

Written Testimony in Support of House Bill 2093
Senate Committee on Judiciary

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The Kansas Highway Patrol appreciates this opportunity to provide written testimony in support of House Bill 2093. The bill would make fleeing or attempting to elude a police officer while operating a stolen motor vehicle a severity level 9, person felony with a mandatory fine of at least \$500 while also providing prima facie evidence of intent to permanently deprive the owner of the motor vehicle of the possession, use, or benefit thereof for the purposes of prosecuting theft. The House Committee on Judiciary amended the bill with our support by also making willfully driving the wrong way into an opposing lane of travel on a divided highway, willfully departing the appropriate lane of travel on any roadway causing an evasive maneuver by another driver, willfully driving through any intersection causing an evasive maneuver by another driver or causing a collision involving another driver a severity level 7, person felony.

Motor vehicle theft in Kansas is unfortunately becoming an increasingly common crime. Ten years ago, the Kansas Highway Patrol recovered 129 stolen vehicles. In 2019, we recovered 471 stolen vehicles. This represents an increase of 265% over a 10-year period. Statewide, the Kansas Bureau of Investigation reported over 8,000 motor vehicle thefts in 2019. This figure is 12.6% above the 10-year average and is up from 5,951 reported motor vehicle thefts in 2010. In 2019, Topeka alone reported 1,293 vehicles stolen, which when ranked on a per capita basis, places Topeka, Kansas sixth highest in the nation according to the National Insurance Crime Bureau (NICB).

Motor vehicle theft devastates Kansas citizens in many ways, with the most obvious being the loss of what is oftentimes a low-income household's first or second greatest financial asset. Low-income households with liability-only insurance are especially vulnerable. According to the Insurance Information Institute (III), the average dollar loss per theft of a motor vehicle was \$8,886 in 2019. Using this figure, in 2019 the Kansas Highway Patrol recovered an estimated \$4.18 million in stolen motor vehicles. In addition to the loss of the vehicle itself, Kansas citizens must also contend with the loss of their ability to travel by car. Motor vehicle travel is depended upon by many families to commute to their workplace or transport their children to school or daycare.

Motor vehicle theft commonly leads to vehicular pursuits with law enforcement. In 2010, the Kansas Highway Patrol reported having 11 instances where possession of a stolen vehicle was identified as the primary reason a pursuit was initiated. In 2020, approximately 70 of our 438 vehicle pursuits were identified as being primarily initiated because of the possession of a stolen vehicle. Remarkably, these

figures only represent pursuits where a suspect was apprehended, and do not include pursuits that were terminated before suspects and their motives could be fully understood. These figures also only represent pursuits where possession of a stolen vehicle was the primary factor; therefore, stolen vehicles that were used in other serious crimes, such as robberies and assaults, are not necessarily included in this figure.

Vehicular pursuits represent one of the most hazardous activities that our agency must engage in to protect the motoring public. In recent years, our agency has observed dangerous maneuvers undertaken by fleeing suspects that pose serious issues of safety for those traveling on Kansas roadways. The most perilous of these actions occur when suspects intentionally drive left-of-center into oncoming traffic to evade capture or arrest, or when suspects enter an intersection in such a way that other motorists, bicyclists, or pedestrians on the roadway are forced to make evasive maneuvers. All too often these and other dangerous driving behaviors result in crashes that cause damage to property and injure or kill citizens.

One of the goals of the Kansas Highway Patrol is to “vigorously pursue, apprehend, and prosecute those who utilize Kansas highways for criminal activities.” House Bill 2093 will assist our agency in fulfilling that goal through improved deterrence, straightforward prosecution, and increased penalization of those who choose to victimize and jeopardize our citizens by committing these crimes. We sincerely thank members of the Committee for their consideration of our testimony and passage of this bill.

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