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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 15, 2022
Subject: Bill Brief for SB 483

Senate Bill 483 increases the criminal penalties for theft and criminal damage to property involving remote service units such as automated cash dispensing machines and automated teller machines.

Section 1 amends K.S.A. 21-5801, the statute that defines the crime of theft and sets penalties based on the value of the property or services stolen. Current law in subsection (c) defines “value” as 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. The bill adds that “value” means the value of the property or, if the property is a remote service unit, the cost to restore the site of the theft of such remote service unit to its condition at the time immediately prior to the theft of such remote service unit, whichever is greater. “Remote service unit” means the same as defined in the state banking code, and includes, but is not limited to, automated cash dispensing machines and automated teller machines.

Section 2 amends K.S.A. 21-5813, the statute that defines the crime of criminal damage to property. Current law in subsection (b) defines aggravated criminal damage to property as criminal damage when the value or amount of damage exceeds \$5,000, committed upon certain buildings or structures with the intent to obtain any regulated scrap metal. The bill adds that aggravated criminal damage to property is criminal damage when the value or amount of damage exceeds \$5,000, committed upon a remote service unit with the intent to obtain currency. Current law in subsection (f) provides that in determining the amount of damage to property, damages may include the cost of repair or replacement of the property that was damaged.