

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2462

By Committee on Corrections and Juvenile Justice

1-14

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to theft; amending K.S.A. 2015 Supp. 21-5801 and repealing the  
3 existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 21-5801 is hereby amended to read as  
7 follows: 21-5801. (a) Theft is any of the following acts done with intent to  
8 permanently deprive the owner of the possession, use or benefit of the  
9 owner's property or services:

10 (1) Obtaining or exerting unauthorized control over property or  
11 services;

12 (2) obtaining control over property or services, by deception;

13 (3) obtaining control over property or services, by threat;

14 (4) obtaining control over stolen property or services knowing the  
15 property or services to have been stolen by another; or

16 (5) knowingly dispensing motor fuel into a storage container or the  
17 fuel tank of a motor vehicle at an establishment in which motor fuel is  
18 offered for retail sale and leaving the premises of the establishment  
19 without making payment for the motor fuel.

20 (b) Theft of:

21 (1) Property or services of the value of \$100,000 or more is a severity  
22 level 5, nonperson felony;

23 (2) property or services of the value of at least \$25,000 but less than  
24 \$100,000 is a severity level 7, nonperson felony;

25 (3) property or services of the value of at least ~~\$1,000~~ \$2,000 but less  
26 than \$25,000 is a severity level 9, nonperson felony, except as provided in  
27 subsection (b)(7);

28 (4) property or services of the value of less than ~~\$1,000~~ \$2,000 is a  
29 class A nonperson misdemeanor, except as provided in subsection (b)(5),  
30 (b)(6) or (b)(7);

31 (5) property of the value of less than ~~\$1,000~~ \$2,000 from three  
32 separate mercantile establishments within a period of 72 hours as part of  
33 the same act or transaction or in two or more acts or transactions  
34 connected together or constituting parts of a common scheme or course of  
35 conduct is a severity level 9, nonperson felony;

36 (6) property of the value of **at least \$250 but** less than ~~\$1,000~~ \$2,000

1 is a severity level 9, nonperson felony if committed by a person who has  
2 been convicted of theft two or more times; and

3 (7) property which is a firearm of the value of less than \$25,000 is a  
4 severity level 9, nonperson felony.

5 (c) As used in this section:

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

9 (2) "regulated scrap metal" means the same as in K.S.A. 2015 Supp.  
10 50-6,109, and amendments thereto; and

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

15 Sec. 2. K.S.A. 2015 Supp. 21-5801 is hereby repealed.

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