

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 483

As Recommended by Senate Committee on
Judiciary

Brief*

SB 483 would amend the crimes of theft and aggravated criminal damage to property to address theft or criminal damage to remote service units, as defined by the bill.

The term "remote service unit" would have the same definition as in the Kansas Banking Code and would specifically include, but not be limited to, automated cash dispensing machines and automated teller machines (ATMs). The term would be added to the definition of "value" contained in the theft statute.

[*Note:* "Value" would include the cost to restore the site of the theft of a remote service unit to its condition at the time immediately prior to the theft. Continuing law in the theft statute provides various penalties based on the value of the property taken with intent to permanently deprive the owner of the of the possession, use, or benefit of the owner's property or services.]

The bill would also amend the crime of aggravated criminal damage to include criminal damage to property where the damage exceeds \$5,000 committed with the intent to obtain currency upon a remote service unit (as defined above).

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was introduced by the Senate Committee on Judiciary by a representative of the Kansas Bankers Association.

Senate Committee on Judiciary

In the Senate Committee hearing on February 15, 2022, representatives of the Heartland Credit Union Association and the Kansas Bankers Association testified as **proponents** on the bill, stating the bill is necessary to address a rise in theft and damage to ATMs across the state. Written-only proponent testimony was provided by a representative of the Community Bankers Association of Kansas. No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas Sentencing Commission estimates enactment of the bill could have an effect on prison admissions and bed space, but this effect cannot be determined because the bill would create a new factual circumstance that is not currently tracked. The Department of Corrections indicates enactment of the bill would have no fiscal effect. The Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect that can be absorbed within existing resources. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Crimes; penalties; criminal damage to property; remote service units; automated cash dispensing machines; automated teller machines