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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 10, 2020

Subject: Bill Brief on HB 2448

House Bill 2448, as amended by House Committee, changes penalties for the crime of fleeing or attempting to elude a police officer and adds a provision regarding evidence in a prosecution for theft of a motor vehicle.

Section 1 amends K.S.A. 8-1568, the crime of fleeing or attempting to elude a police officer. Current law in subsection (b) penalizes a driver of a motor vehicle who willfully fails or refuses to stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, and who commits certain acts in the process. The bill adds operating a stolen motor vehicle to this list of acts. Violation of subsection (b) is a severity level 9, person felony. The House Committee on Judiciary added a new subsection (c)(3) that requires the court to impose a fine of not less than \$500 when the driver is operating a stolen motor vehicle during the commission of the offense. The bill as introduced would have added a new subsection (d) providing that any term of confinement imposed for certain violations shall be served consecutively to any other term of confinement imposed, but the House Committee removed that provision.

Section 2 amends K.S.A. 21-5804, a statute related to theft that establishes certain prima facie evidence of intent to permanently deprive an owner or lessor of the possession, use or benefit of property. The bill adds a new subsection (e) to provide that in a prosecution for theft of a motor vehicle, fleeing or attempting to elude a police officer shall be prima facie evidence of intent to deprive the owner of the motor vehicle of the possession, use or benefit of the vehicle.

The bill as introduced would have amended K.S.A. 21-5801, the crime of theft, but the House Committee on Judiciary removed that section from the bill.