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**Testimony to the Senate Judiciary Committee
In Support of HB2448
March 10, 2020**

Chairman Wilborn and Committee members:

Auto thefts are on the rise in Kansas, up 27.6% from 2014 to 2018 and up 1.7% from 2016 to 2017.¹

This is a statewide issue. In the two-year period of 2017-2018 only 4 Kansas Counties reported no auto thefts.²

Auto thefts in the US rose by 9.0% from 2014 to 2018 and dropped 3.1% from 2017 to 2018.³

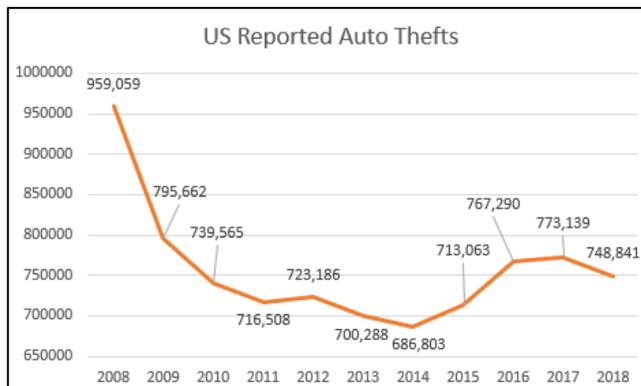
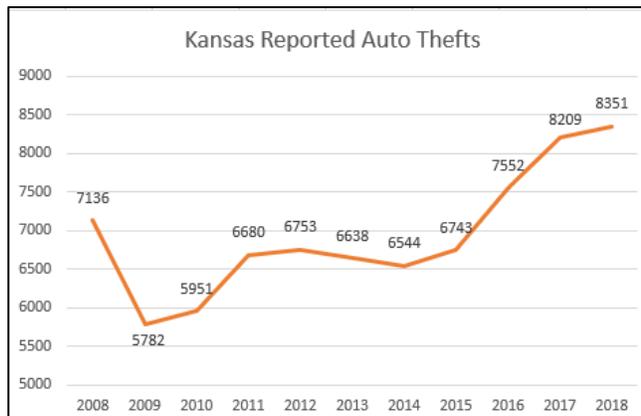
Note the rise in Kansas auto thefts from 2014 to 2018 is triple the rise in the US, up 27.6% in Kansas compared to 9.0% in the US.

Kansas ranks as the 14th highest auto theft rate per capita at 269.4/100,000 population.⁴ That is 17.7% above the US per capita rate of 228.9/100,000 population.⁵ The Wichita MSA was the 8th highest per capita rate in the US.⁶

Nationally, the average loss in each auto theft case was \$8,407 in 2018.⁷ Using those rates,

Kansans suffered an estimated cumulative loss of about \$70.2 million in 2018. Those losses only include the motor vehicle and do not include lost wages, lost productivity, replacement costs, etc.

Stolen vehicles also play a major role in attempt to elude cases. In preparing for this testimony we were able to determine that at a minimum 21% of the attempt to elude cases in Kansas during the first 9 months of 2018 involved stolen motor vehicles. One large agency reported their identified



¹ KBI 2018 Kansas Crime Index Report

² KBI 2017 and 2018 Kansas Crime Index Reports

³ FBI 2018 Crime in the United States Report

⁴ Statista, <https://www.statista.com/statistics/191216/reported-motor-vehicle-theft-rate-in-the-us-since-1990/>

⁵ Statista, <https://www.statista.com/statistics/232588/motor-vehicle-theft-rate-in-the-us-by-state/>

⁶ Insurance Information Institute, <https://www.iii.org/fact-statistic/facts-statistics-auto-theft>

⁷ Same

rate at 25%. The total is substantially higher than that because of the large number of pursuits we terminate without identification of the vehicle or driver.

This is only part of the problem that brought us to bring this bill forward. The public safety risk does not stop with the theft of the vehicle or resulting attempt to elude cases. Many of these vehicles are used in other crimes as disposable getaway vehicles, methods to haul away other stolen property, and black-market drug sales and transportation just to name a few. One large metro Kansas City agency was able to identify 30% of their stolen vehicles were involved in other crimes during the first ten months of 2018.

In 2016, the legislature raised the floor of felony theft from \$1,000 to \$1,500, a move to save prison beds. One of the consequences of this change is that under current law 30.8% of the 2017 stolen motor vehicle cases in Kansas were valued less than \$1,500.⁸ Others auto thefts with a value higher than \$1500 get charged as a misdemeanor “Criminal Deprivation of Property” because of the difficulty in proving the intent to permanently deprive. Criminal Deprivation of Property, KSA 21-5803, is a class A misdemeanor. It has sentencing enhancements for the first two convictions, which are misdemeanors, and the crime becomes a felony upon the third conviction relating to a motor vehicle.

Proposed Statute Amendments

As amended by the House, the bill proposes three amendments to address these problems.

- In section 1 of the bill we request two changes to the attempt to elude statute, KSA 8-1568.
 - On page 1, line 30, the bill adds “operating a stolen motor vehicle” as an additional condition which makes attempting to elude a felony.
 - On page 2, lines 6-8, the bill imposes a minimum fine of \$500 when operating a stolen vehicle while committing the felony violation of attempting to elude. This is to address the reality of most sentencing we see in these cases today where the sentence for attempt to elude are made concurrent with the sentence for other crimes of conviction. This results in effectively no additional penalty for the attempt to elude. From the perspective of the criminal mind they might as well give it a try to flee.
- In section 2 we are asking to amend KSA 21-5804, the statute on prima facie evidence of intent to permanently deprive by adding attempting to elude law enforcement in a stolen motor vehicle. You will find that amendment on page 5, lines 37-43.

Amendment Request

We are asking for you to make one amendment to the bill. On page 2, line 7 we request the deletion of everything after “\$500” and the deletion of all of line 8. This amendment would apply the minimum \$500 fine to all felony attempt to elude convictions.

Summary

Combined, these amendments will target auto thefts including the large problem with people in stolen motor vehicles attempting to elude police.

We ask you to recommend this bill favorably for passage.

Ed Klumpp
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⁸ Data from the KBI