

HOUSE BILL No. 2104

By Representative Newton

1-29

AN ACT concerning crimes and punishment; relating to theft; amending K.S.A. 21-3704 and K.S.A. 2002 Supp. 21-3701 and repealing the existing sections.

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

Section 1. K.S.A. 2002 Supp. 21-3701 is hereby amended to read as follows: 21-3701. (a) Theft is any of the following acts done with intent to deprive the owner permanently of the possession, use or benefit of the owner's property:

(1) Obtaining or exerting unauthorized control over property;

(2) obtaining by deception control over property;

(3) obtaining by threat control over property; or

(4) obtaining control over stolen property knowing the property to have been stolen by another.

(b) (1) *Theft of property of the value of \$100,000 or more is a severity level 5, nonperson felony.*

(2) Theft of property of the value of *at least \$25,000 or more but less than \$100,000* is a severity level 7, nonperson felony.

~~(2)~~ (3) Theft of property of the value of at least \$500 but less than \$25,000 is a severity level 9, nonperson felony.

~~(3)~~ (4) Theft of property regardless of the value from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony.

~~(4)~~ (5) Theft of property of the value of less than \$500 is a class A nonperson misdemeanor.

~~(5)~~ (6) Theft of property of the value of less than \$500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, been convicted of theft two or more times.

(c) Conviction of a violation of a municipal ordinance prohibiting acts which constitute theft as defined by this section shall be considered a conviction of theft for the purpose of determining the number of prior convictions and the classification of the crime under this section.

1 Sec. 2. K.S.A. 21-3704 is hereby amended to read as follows: 21-
2 3704. (a) Theft of services is obtaining services from another by deception,
3 threat, coercion, stealth, tampering or use of false token or device.

4 (b) "Services" within the meaning of this section, includes, but is not
5 limited to, labor, professional service, cable television service, public or
6 municipal utility or transportation service, telephone service, lodging, en-
7 tertainment and the supplying of equipment for use.

8 (c) "Tampering" within the meaning of this section, includes, but is
9 not limited to:

10 (1) Making a connection of any wire, conduit or device, to any service
11 or transmission line owned by a public or municipal utility, or by a cable
12 television service provider;

13 (2) defacing, puncturing, removing, reversing or altering any meter
14 or any connections, for the purpose of securing unauthorized or unmea-
15 sured electricity, natural gas, telephone service or cable television service;

16 (3) preventing any such meters from properly measuring or
17 registering;

18 (4) knowingly taking, receiving, using or converting to such person's
19 own use, or the use of another, any electricity or natural gas which has
20 not been measured; or any telephone or cable television service which
21 has not been authorized; or

22 (5) causing, procuring, permitting, aiding or abetting any person to
23 do any of the preceding acts.

24 (d) In any prosecution under this section, the existence of any of the
25 connections of meters, alterations or use of unauthorized or unmeasured
26 electricity, natural gas, telephone service or cable television service, spec-
27 ified in subsection (c), shall be prima facie evidence of intent to violate
28 the provisions of this section by the person or persons using or receiving
29 the direct benefits from the use of the electricity, natural gas, telephone
30 service or cable television service passing through such connections or
31 meters, or using the electricity, natural gas, telephone service or cable
32 television service which has not been authorized or measured.

33 (e) (1) *Theft of services of the value of \$100,000 or more is a severity*
34 *level 5, nonperson felony.*

35 (2) *Theft of services of the value of at least \$25,000 ~~or more~~ but less*
36 *than \$100,000 is a severity level 7, nonperson felony.*

37 ~~(2)~~ (3) *Theft of services of the value of at least \$500 but less than*
38 *\$25,000 is a severity level 9, nonperson felony.*

39 ~~(3)~~ (4) *Theft of services of the value of less than \$500 is a class A*
40 *nonperson misdemeanor.*

41 Sec. 3. K.S.A. 21-3704 and K.S.A. 2002 Supp. 21-3701 are hereby
42 repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.
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