

HOUSE BILL No. 2166

By Committee on Judiciary

1-23

9 AN ACT concerning crimes and punishment; relating to theft; amending
10 K.S.A. 2006 Supp. 21-3701 and repealing the existing section.

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

13 Section 1. K.S.A. 2006 Supp. 21-3701 is hereby amended to read as
14 follows: 21-3701. (a) Theft is any of the following acts done with intent
15 to deprive the owner permanently of the possession, use or benefit of the
16 owner's property:

17 (1) Obtaining or exerting unauthorized control over property;

18 (2) obtaining by deception control over property;

19 (3) obtaining by threat control over property; or

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

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

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

26 (3) Theft of property of the value of at least \$1,000 but less than
27 \$25,000 is a severity level 9, nonperson felony.

28 (4) Theft of property regardless of the value from three separate mer-
29 cantile establishments within a period of 72 hours as part of the same act
30 or transaction or in two or more acts or transactions connected together
31 or constituting parts of a common scheme or course of conduct is a se-
32 verity level 9, nonperson felony.

33 (5) Theft of property of the value of less than \$1,000 is a class A
34 nonperson misdemeanor. *On a second conviction of theft of property of*
35 *the value of less than \$1,000, the offender shall be sentenced to not less*
36 *than 30 days' imprisonment. The offender must serve at least five consec-*
37 *utive days' imprisonment before the person is granted probation, suspen-*
38 *sion or reduction of sentence or parole or is otherwise released, including*
39 *house arrest and work release. On a third conviction of theft of property*
40 *of the value of less than \$1,000, the offender shall be sentenced to not less*
41 *than 60 days' imprisonment. The offender must serve at least 10 consec-*
42 *utive days' imprisonment before the person is granted probation, suspen-*
43 *sion or reduction of sentence or parole or is otherwise released, including*

1 *house arrest and work release. On a fourth or subsequent conviction of*
2 *theft of property of the value of less than \$1,000, the offender shall be*
3 *sentenced to not less than one year imprisonment. The offender must serve*
4 *at least 180 consecutive days' imprisonment before the person is granted*
5 *probation, suspension or reduction of sentence or parole or is otherwise*
6 *released, including house arrest and work release.*

7 ~~(6) Theft of property of the value of less than \$1,000 is a severity level~~
8 ~~9, nonperson felony if committed by a person who has been convicted of~~
9 ~~theft two or more times.~~

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

14 Sec. 2. K.S.A. 2006 Supp. 21-3701 is hereby repealed.

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