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February 18, 2013

To Representative John Rubin,
Chairman of Corrections and Juvenile Justice

Re: House Bill 2278

Dear Mr. Chairman and Member of the Committee

I support House Bill 2278. I asked Representative Meier's to have this drafted due to the serious concerns we have any time we have a firearm case. Many of our most serious criminal offenses involve firearms in some manner. Yet if a person burglarizes a home and steals firearms, or possesses a firearm, they are looking at the same offense as if they had simply taken or possessed someone's pen, unless, of course, that firearm happens to be worth more than a thousand dollars. The vast majority of our firearm related crimes are perpetrated with stolen weapons. Most of the burglaries we see have the criminal taking firearms along with a sundry of other items. We would like a better way to attack the problems we see in this State with firearms where the firearm problem truly is with the criminals themselves. This is why we are asking to increase the severity level for theft of a firearm (as a special consideration of theft) be an automatic felony. We also want to include criminal deprivation of a firearm in this amendment as well. This circumstance can be and is rather common. If someone borrows a firearm without permission they could/would receive the same punishment as someone taking a pen without permission. To take a firearm without permission can have serious consequences, and thus the punishment should be serious. These reasons are why we also ask to increase the penalty on burglaries where a firearm is taken. Fourteen states have already applied an increased penalty for theft of a firearm. This bill attacks the problem with firearms where the problem is, with criminals. I hope you will support this bill.

Sincerely

Todd G Thompson
Leavenworth County Attorney



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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Theft of Firearms and Related Provisions

January 25, 2013

Connecticut §53a-212 - A person is guilty of stealing a firearm when, with intent to deprive another of his firearm or to appropriate the same to himself or a third party, he wrongfully takes, obtains or withholds a firearm. Stealing a firearm is a Class D felony.

Hawaii §708-830.5 - A person commits theft in the first degree when the object is a firearm. Theft in the first degree is a Class B felony.

Louisiana Tit. 14 §67.15 - Theft of a firearm is the misappropriation or taking of a firearm which belongs to another, either without the consent of the other to the misappropriation or taking or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of the firearm is essential. For purposes of this Section, "firearm" means a shotgun or rifle, or a pistol, revolver, or other handgun. (1) For a first offense, the penalty for theft of a firearm shall be imprisonment with or without hard labor for not less than two years nor more than ten years, without the benefit of probation, parole, or suspension of sentence and a fine of one thousand dollars. (2) For a second offense, the penalty for theft of a firearm shall be imprisonment with or without hard labor for not less than five years nor more than fifteen years, without the benefit of probation, parole, or suspension of sentence and a fine of two thousand dollars. (3) For a third and subsequent offense, the penalty for theft of a firearm shall be imprisonment at hard labor for not less than fifteen years nor more than thirty years, without the benefit of probation, parole, or suspension of sentence and a fine of five thousand dollars.

Massachusetts Ch. 266 §30 For larceny, if the property stolen is a firearm, the person can be punished by imprisonment in the state prison for not more than five years, or by a fine of not more than twenty-five thousand dollars and imprisonment in jail for not more than two years.

Michigan §750.357b - A person who commits larceny by stealing the firearm of another person is guilty of a felony, punishable by imprisonment for not more than 5 years or by a fine of not more than \$2,500.00, or both.

Minnesota §609.52 (3)- Whoever commits theft may be sentenced as follows: (1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the property is a firearm.

Nevada §205.226 - A person who commits grand larceny of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000. They shall be ordered to pay restitution.

New Mexico §30-16-1 - Whoever commits larceny when the property of value stolen is a firearm is guilty of a fourth degree felony when its value is less than two thousand five hundred dollars (\$2,500).

North Carolina §14-72 - (b)The crime of larceny is a felony, without regard to the value of the property in question, if the larceny is (4) of any firearm.

Oregon §164.055 A person commits theft in the first degree if the subject of the theft is a firearm or explosive. Theft in the first degree is a Class C felony. Under §137.717 the presumptive sentence is 18 months of incarceration, unless the rules of the Oregon Criminal Justice Commission prescribe a longer presumptive sentence, if the person has previous criminal history defined by this section.

Pennsylvania Tit. 18 §3903 – (a) Theft is a felony in the second degree if the property stolen is a firearm. (a.2) Theft constitutes a felony of the first degree if, in the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm and the receiver is in the business of buying or selling stolen property.

Rhode Island §11-47-5.1- Any person who steals a firearm and is guilty of larceny shall be sentenced, upon conviction, to not less than one year nor more than ten (10) years.

Virginia §18.2-95– Any person who commits simple larceny, not from the person of another, of any firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than twenty years or, in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not exceeding twelve months or fined not more than \$2,500, either or both.

Washington §9A.56.300 – A person is guilty of theft of a firearm if he or she commits a theft of any firearm. Each firearm taken is a separate offense. Theft of a firearm is a Class B felony. Washington §9.9A.515 table classifies theft of a firearm as seriousness level VI. §9.94A.510 details sentence terms for Seriousness level VI. The sentence could be between 1 year and 8.5 years depending on the offender score.

NCSL Criminal Justice Program

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