

## 2016 Kansas Statutes

**21-5823. Forgery.** (a) Forgery is, with intent to defraud:

- (1) Making, altering or endorsing any written instrument in such manner that it purports to have been made, altered or endorsed by another person, either real or fictitious, and if a real person without the authority of such person; or altering any written instrument in such manner that it purports to have been made at another time or with different provisions without the authority of the maker thereof; or making, altering or endorsing any written instrument in such manner that it purports to have been made, altered or endorsed with the authority of one who did not give such authority;
  - (2) issuing or distributing such written instrument knowing it to have been thus made, altered or endorsed; or
  - (3) possessing, with intent to issue or distribute, any such written instrument knowing it to have been thus made, altered or endorsed.
- (b) (1) Forgery is a severity level 8, nonperson felony.
- (2) On a first conviction of forgery, in addition to any other sentence imposed, a person shall be fined the lesser of the amount of the forged instrument or \$500.
  - (3) On a second conviction of forgery, a person shall be required to serve at least 30 days' imprisonment as a condition of probation, and fined the lesser of the amount of the forged instrument or \$1,000.
  - (4) On a third or subsequent conviction of forgery, a person shall be required to serve at least 45 days' imprisonment as a condition of probation, and fined the lesser of the amount of the forged instrument or \$2,500.
  - (5) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the mandatory sentence as provided herein.
- (c) In any prosecution under this section, it may be alleged in the complaint or information that it is not known whether a purported person is real or fictitious, and in such case there shall be a rebuttable presumption that such purported person is fictitious.

**History:** L. 2010, ch. 136, § 109; July 1, 2011.