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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Judiciary
From: Jason Thompson, Senior Assistant Revisor of Statutes
Date: January 22, 2020
Subject: Bill Brief on HB 2448

Senate Bill 81 changes penalties for two crimes related to motor vehicles, fleeing or attempting to elude a police officer and theft.

Section 1 amends K.S.A. 8-1568, the crime of fleeing or attempting to elude a police officer. Current law in subsection (b) penalizes a driver of a motor vehicle who willfully fails or refuses to stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, and who commits certain acts in the process. The bill would add operating a stolen motor vehicle to this list of acts. Violation of subsection (b) is a severity level 9, person felony. New subsection (d) provides that any term of confinement imposed for a violation of subsection (a)(1)(B) or (b) shall be served consecutively to any other term of confinement imposed for any other violation committed in whole or in part during the act of violating subsection (a)(1)(B) or (b).

Section 2 amends K.S.A. 21-5801, the crime of theft. The penalties for theft are based on the value of the property or services at issue. Subsection (b)(4) currently provides that theft of property or services of the value of less than \$1,500 is a class A nonperson misdemeanor, with a few exceptions. The bill adds a new exception in subsection (b)(8) to provide that theft of property that is a motor vehicle of the value of less than \$1,500 is a severity level 10, nonperson felony.

Finally, section 3 amends K.S.A. 21-5804, a statute related to theft that establishes certain prima facie evidence of intent to permanently deprive an owner or lessor of the possession, use or benefit of property. The bill adds a new subsection (e) to provide that in a prosecution for theft of a motor vehicle, fleeing or attempting to elude a police officer shall be prima facie evidence of intent to deprive the owner of the motor vehicle of the possession, use or benefit of the vehicle.