

Written Testimony in Support of House Bill 2093  
House Committee on Judiciary

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The Kansas Highway Patrol appreciates this opportunity to provide written testimony in support of House Bill 2093. The bill would make fleeing or attempting to elude a police officer while operating a stolen motor vehicle a severity level 9, person felony, and would impose a mandatory fine of at least \$500 for that act. The bill would also make fleeing or attempting to elude a police officer in a stolen motor vehicle prima facie evidence of intent to permanently deprive the owner of the motor vehicle of the possession, use, or benefit thereof for the purposes of prosecuting theft.

Motor vehicle theft in Kansas is unfortunately becoming an increasingly common crime. Ten years ago, the Kansas Highway Patrol recovered 129 stolen vehicles. In 2019, we recovered 471 stolen vehicles. This represents an increase of 265% over a 10-year period. Statewide, the Kansas Bureau of Investigation reported over 8,000 motor vehicle thefts in 2019. This figure is 12.6% above the 10-year average and is up from 5,951 reported motor vehicle thefts in 2010. In 2019, Topeka alone reported 1,293 vehicles stolen, which when ranked on a per capita basis, places Topeka, Kansas sixth highest in the nation according to the National Insurance Crime Bureau (NICB).

Motor vehicle theft devastates Kansas citizens in many ways, with the most obvious being the loss of what is oftentimes a low-income household's first or second greatest financial asset. Low-income households with liability-only insurance are especially vulnerable. According to the Insurance Information Institute (III), the average dollar loss per theft of a motor vehicle was \$8,886 in 2019. Using this figure, in 2019 the Kansas Highway Patrol recovered an estimated \$4.18 million in stolen motor vehicles. In addition to the loss of the vehicle itself, Kansas citizens must also contend with the loss of their ability to travel by car. Motor vehicle travel is depended upon by many families to commute to their workplace or transport their children to school or daycare.

Motor vehicle theft commonly leads to vehicular pursuits with law enforcement. In 2010, the Kansas Highway Patrol reported having 11 instances where possession of a stolen vehicle was identified as the primary reason a pursuit was initiated. In 2020, approximately 70 of our 438 vehicle pursuits were identified as being primarily initiated because of the possession of a stolen vehicle. Remarkably, these figures only represent pursuits where a suspect was apprehended, and do not include pursuits that were terminated before suspects and their motives could be fully understood. These figures also only represent pursuits where possession of a stolen vehicle was the primary factor; therefore, stolen

vehicles that were used in other serious crimes, such as robberies and assaults, are not necessarily included in this figure.

While we wholly support this bill, we would also respectfully request the Committee consider an amendment to K.S.A. 8-1568. In recent years, our agency has observed dangerous maneuvers undertaken by fleeing suspects that pose serious issues of safety for those traveling on Kansas roadways. The most hazardous of these actions occur when suspects intentionally drive left-of-center into oncoming traffic to evade capture or arrest, or when suspects enter an intersection in such a way that other motorists, bicyclists, or pedestrians on the roadway are forced to make evasive maneuvers. All too often these and other perilous driving behaviors result in crashes that cause damage to property and injure or kill citizens. The amendment below would enhance the penalty in those cases to a severity level 7, person felony.

### **Proposed Amendment (in addition to the amendments currently in the bill)**

#### **K.S.A. 8-1568**

*[previous sections omitted for space]*

*(b) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a 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:*

*(1) Commits any of the following during a police pursuit:*

*(A) Fails to stop for a police road block;*

*(B) drives around tire deflating devices placed by a police officer;*

*(C) engages in reckless driving as defined by K.S.A. 8-1566, and amendments thereto;*

*(D) is involved in any motor vehicle accident or intentionally causes damage to property;*

*or*

*(E) commits five or more moving violations; ~~or~~*

*(2) is attempting to elude capture for the commission of any felony, shall be guilty as provided in subsection (c)(2), or*

*(3) willfully drives the wrong way into an opposing lane of travel on a divided highway, as defined in K.S.A. 8-1414; willfully departs the appropriate lane of travel into an opposing lane of travel on any roadway causing an evasive maneuver by any other motorist, bicyclist, or pedestrian; willfully drives through any intersection causing an evasive maneuver by any other motorist, bicyclist, or pedestrian; or causes a collision involving any other motorist, bicyclist, or pedestrian, shall be guilty as provided in subsection (c)(3).*

*(c) (1) Violation of subsection (a), upon a:*

*(A) First conviction is a class B nonperson misdemeanor;*

*(B) second conviction is a class A nonperson misdemeanor; or*

*(C) third or subsequent conviction is a severity level 9, person felony.*

*(2) Except as provided in subsection (c)(3), a violation of subsection (b) is a severity level 9, person felony.*

*(3) Violation of subsection (b)(3) is a severity level 7, person felony.*

*[following unaffected sections continue]*

One of the goals of the Kansas Highway Patrol is to “vigorously pursue, apprehend, and prosecute those who utilize Kansas highways for criminal activities.” House Bill 2093 will assist our agency in

fulfilling that goal through deterrence and the penalization of those who choose to victimize and jeopardize our citizens by committing these crimes. We sincerely thank members of the Committee for their consideration of our testimony.

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