

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 408

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

SB 408, as amended, would amend the definition of the crime of theft to include theft of property that is mail of the value of less than \$1,500 from three separate locations within a period of 72 hours as part of the same act or transaction, or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct, a severity level 9 nonperson felony.

[*Note:* Under continuing law, theft of property or services of the value of less than \$1,500 is a class A nonperson misdemeanor, unless an exception, such as the one that would be created by the bill, applies.]

The bill would define “mail” as a letter, postal card, package, or bag sent through the U.S. Postal Service or other delivery service, or any other article or thing contained therein.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Warren.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Senate Committee on Judiciary

In the Senate Committee hearing on February 8, 2022, a representative of the Kansas Association of Chiefs of Police, Kansas Association of Peace Officers, and Kansas Sheriffs Association (law enforcement organizations) and representatives of the Johnson County Sheriff's Office and Kansas Chamber of Commerce provided **proponent** testimony, stating enactment of the bill is necessary to address an increase in "porch piracy" cases throughout the state. No other testimony was provided.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on March 7, 2022, representatives of the Kansas Chamber of Commerce and the law enforcement organizations provided **proponent** testimony. A representative of the Johnson County Sheriff's Office provided written-only proponent testimony. No other testimony was provided.

The House Committee amended the bill to remove the words "or a sealed article or thing addressed to a person" from the definition of the term "mail."

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Sentencing Commission estimates enactment of the bill could have an impact on prison admissions and bed space, but the effect cannot be determined at this time.

The Department of Corrections indicates enactment of the bill would have no fiscal effect.

The Office of Judicial Administration indicates enactment of the bill could have a fiscal effect on expenditures of the

Judicial Branch because the bill increases the penalty for mail theft, which could require court services officers to supervise such offenders for a longer period of time. However, a fiscal effect cannot be estimated because the number of potential cases is unknown. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Crimes; punishment; theft; mail