

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2278

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2278 would make theft of a firearm valued at less than \$25,000 a severity level 9, nonperson felony. Currently, there is no penalty specific to theft of firearms; however, theft of property valued between \$1,000 and \$25,000 is a severity level 9, nonperson felony, and theft of property valued below \$1,000 is a class A nonperson misdemeanor. For theft of property from 3 separate mercantile establishments within 72 hours as part of the same act or transaction or in 2 or more acts or transactions connected together or constituting parts of a common scheme or course of conduct, which is a severity level 9, nonperson felony, the bill would add a maximum value of \$1,000 for the property.

Additionally, pursuant to the bill, criminal deprivation of a firearm would become a severity level 9, nonperson felony. Current law has no penalty specific to criminal deprivation of a firearm; however, criminal deprivation of property other than a motor vehicle is a class A nonperson misdemeanor, and a second or subsequent conviction carries a sentence of at least 30 days imprisonment and a fine of at least \$100.

Finally, burglary with intent to commit the theft of a firearm would become a severity level 5, nonperson felony. Currently, burglary is either a severity level 7 or severity level 9, nonperson felony.

*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>

Background

In the House Committee on Corrections and Juvenile Justice, representatives of the Leavenworth and Lansing Police Departments appeared in support of the bill and representatives of the Kansas Association of Chiefs of Police, Kansas County and District Attorneys Association, Kansas Peace Officers Association, Kansas Sheriffs Association, and the Leavenworth County Attorney's Office offered written proponent testimony.

The House Committee amended the bill to make these firearm-specific offenses nonperson felonies, rather than person felonies.

The fiscal note prepared by the Division of the Budget for the bill, as introduced, indicates passage would result in an increase of 2 to 8 adult prison beds in FY 2014, 3 to 13 beds in FY 2015, and 5 to 22 beds by FY 2023. The Office of Judicial Administration predicts passage would increase the number of cases filed; however, the impact likely would be accommodated within existing resources.