To: House Judiciary Committee
From: Thomas R. Stanton
Deputy Reno County District Attorney
Re: SB 134
Date: February 20, 2019

Hon. Chairman Patton and Members of the Committee:

Thank you for the opportunity to submit proponent testimony regarding SB 134.
This bill amends the statute that the Kansas legislature passed last session to define the crime of counterfeiting currency. That statute, codified at K.S.A. 21-5840, was promulgated to better define the crime of counterfeiting currency in Kansas to allow local investigation and prosecution of crimes involving the counterfeiting of U.S. currency, and the distribution of that counterfeit currency.
A representative of the Kansas Judicial Committee responsible for developing pattern jury for instructions contacted me after the statute was passed. She expressed concern over what appeared to be multiple layers of intent required to prove this crime, as well as some inconsistencies in the language used throughout the text of the statute. I reviewed the issues presented to me, and found that she was correct in her assessment of the statute.
The first amendment to the statute removes the intent requirement from the introductory paragraph, and moves it to subsection (a)(1). This removes the multiple layers of intent we saw in the original language of the statute. The intent requirement remains in both subsections (a)(2) and (a)(3) by the use of the term "falsely" in subsection (a)(2), and the term "with the intent to" in subsection (a)(3).
The next primary change is the use of the terms "note, currency, obligation or security" in each of the subsections. Consistency in these terms is important to avoid confusion in the application of the statute. The amendment also specifies "currency" to keep from having to prove that currency is an obligation of the government.
The final amendment to the statute removes the term "seized" from (b)(1)(A) and(B). This is done in order to allow prosecution based on the amount of currency law enforcement agencies can prove was actually produced, not just what was seized at the time of the arrest.
I believe the amendments to this statute need to be made in order to insure that the intent of this body in passing this statute is accomplished.
I respectfully request that this Committee consider SB 134, and recommend this legislation for passage.

Respectfully submitted,

Thomas R. Stanton
Deputy Reno County District Attorney