

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: Senate Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: March 22, 2021  
Subject: Bill Brief for HB 2093

House Bill 2093, as amended by House Committee, changes penalties for the crime of fleeing or attempting to elude a police officer and adds a provision regarding evidence in a prosecution for theft of a motor vehicle.

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 adds operating a stolen motor vehicle to this list of acts. The House Committee on Judiciary added a new subsection (b)(3) to increase the penalty for a person who willfully drives the wrong way into an opposing lane of travel on a divided highway, willfully departs the appropriate lane of travel into an opposing lane of travel on any roadway causing an evasive maneuver by another driver, willfully drives through any intersection causing an evasive maneuver by another driver, or causes a collision involving another driver. Violation of subsection (b)(1) or (2) remains a severity level 9, person felony and violation of subsection (b)(3) is a severity level 7, person felony. The bill also adds a new subsection (c)(4) that requires the court to impose a fine of not less than \$500 when the driver is operating a stolen motor vehicle during the commission of the offense.

Section 2 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.