

HOUSE BILL No. 2263

By Committee on Judiciary

1-26

9 AN ACT concerning civil procedure; relating to forfeiture; amending
10 K.S.A. 2006 Supp. 60-4104 and 60-4105 and repealing the existing
11 sections; also repealing K.S.A. 2006 Supp. 60-4104a.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 60-4104 is hereby amended to read as
15 follows: 60-4104. Conduct and offenses giving rise to forfeiture under this
16 act, whether or not there is a prosecution or conviction related to the
17 offense, are:

18 (a) All offenses which statutorily and specifically authorize forfeiture;
19 (b) violations of the uniform controlled substances act, K.S.A. 65-
20 4101 et seq., and amendments thereto;

21 (c) theft which is classified as a felony violation pursuant to K.S.A.
22 21-3701, and amendments thereto, in which the property taken was
23 livestock;

24 (d) unlawful discharge of a firearm, K.S.A. 21-4219, and amendments
25 thereto;

26 (e) money laundering, K.S.A. 65-4142, and amendments thereto;

27 (f) gambling, K.S.A. 21-4303, and amendments thereto, and com-
28 mercial gambling, K.S.A. 21-4304, and amendments thereto;

29 (g) counterfeiting, K.S.A. 2006 Supp. 21-3763, and amendments
30 thereto;

31 (h) violations of K.S.A. 2006 Supp. 21-4019, and amendments
32 thereto;

33 (i) medicaid fraud, K.S.A. 21-3844 et seq., and amendments thereto;

34 (j) *electronic solicitation*, K.S.A. 2006 Supp. 21-3523, and amend-
35 *ments thereto*;

36 (k) *furtherance of terrorism or illegal use of weapons of mass destruc-*
37 *tion*, K.S.A. 2006 Supp. 21-3451, and amendments thereto;

38 ~~(j)~~ (l) an act or omission occurring outside this state, which would be
39 a violation in the place of occurrence and would be described in this
40 section if the act occurred in this state, whether or not it is prosecuted in
41 any state;

42 ~~(k)~~ (m) an act or omission committed in furtherance of any act or
43 omission described in this section including any inchoate or preparatory

1 offense, whether or not there is a prosecution or conviction related to the
2 act or omission; *and*

3 ~~(n)~~ any solicitation or conspiracy to commit any act or omission
4 described in this section, whether or not there is a prosecution or con-
5 viction related to the act or omission;

6 ~~(m) furtherance of terrorism or illegal use of weapons of mass de-~~
7 ~~struction, K.S.A. 2006 Supp. 21-3451, and amendments thereto.~~

8 Sec. 2. K.S.A. 2006 Supp. 60-4105 is hereby amended to read as
9 follows: 60-4105. The following property is subject to forfeiture:

10 (a) Property described in a statute authorizing forfeiture;

11 (b) except as otherwise provided by law, all property, of every kind,
12 including, but not limited to, cash and negotiable instruments and the
13 whole of any lot or tract of land and any appurtenances or improvements
14 to real property that is either:

15 (1) Furnished or intended to be furnished by any person in an
16 exchange that constitutes conduct giving rise to forfeiture; or

17 (2) used or intended to be used in any manner to facilitate conduct
18 giving rise to forfeiture, including, but not limited to, any computer, com-
19 puter system, computer network or any software or data owned by the
20 defendant which is used during the commission of a violation of K.S.A.
21 2006 Supp. 21-3523 and 21-4019, and amendments thereto;

22 (c) all proceeds of any conduct giving rise to forfeiture;

23 (d) all property of every kind, including, but not limited to, cash and
24 negotiable instruments derived from or realized through any proceeds
25 which were obtained directly or indirectly from the commission of an
26 offense listed in K.S.A. 60-4104, and amendments thereto;

27 (e) all weapons possessed, used, or available for use in any manner
28 to facilitate conduct giving rise to forfeiture;

29 (f) ownership or interest in real property that is a homestead, to the
30 extent the homestead was acquired with proceeds from conduct giving
31 rise to forfeiture;

32 (g) contraband, which shall be seized and summarily forfeited to the
33 state without regard to the procedures set forth in this act;

34 (h) all controlled substances, raw materials, controlled substance an-
35 alogs, counterfeit substances, or imitation controlled substances that have
36 been manufactured, distributed, dispensed, possessed, or acquired in vi-
37 olation of the laws of this state; and

38 (i) any items bearing a counterfeit mark.

39 Sec. 3. K.S.A. 2006 Supp. 60-4104, 60-4104a and 60-4105 are hereby
40 repealed.

41 Sec. 4. This act shall take effect and be in force from and after its
42 publication in the statute book.