

CHAPTER 75

HOUSE BILL No. 2059
(Amended by Chapter 143)

AN ACT concerning proceeds derived from violation of the uniform controlled substances act or any substantially similar offense from another jurisdiction; amending K.S.A. 65-4142 and repealing the existing section.

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

Section 1. K.S.A. 65-4142 is hereby amended to read as follows: 65-4142. (a) It is unlawful for any person knowingly or intentionally to receive or acquire proceeds, or engage in transactions involving proceeds, known to be derived from any violation of the uniform controlled substances act, K.S.A. 65-4101 et seq. and amendments thereto, *or any substantially similar offense from another jurisdiction*. The provisions of this subsection do not apply to any transaction between an individual and that individual's counsel necessary to preserve that individual's right to representation, as guaranteed by section 10 of the bill of rights of the constitution of the state of Kansas and by the sixth amendment to the United States constitution. This exception does not create any presumption against or prohibition of the right of the state to seek and obtain forfeiture of any proceeds derived from a violation of the uniform controlled substances act and amendments thereto.

(b) It is unlawful for any person knowingly or intentionally to give, sell, transfer, trade, invest, conceal, transport or maintain an interest in or otherwise make available anything of value which that person knows is intended to be used for the purpose of committing or furthering the commission of any violation of the uniform controlled substances act and amendments thereto, *or any substantially similar offense from another jurisdiction*.

(c) It is unlawful for any person knowingly or intentionally to direct, plan, organize, initiate, finance, manage, supervise or facilitate the transportation or transfer of proceeds known to be derived from any violation of the uniform controlled substances act and amendments thereto, *or any substantially similar offense from another jurisdiction*.

(d) It is unlawful for any person knowingly or intentionally to conduct a financial transaction involving proceeds derived from a violation of the uniform controlled substances act and amendments thereto, *or any substantially similar offense from another jurisdiction*, when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the proceeds known to be derived from a violation of the uniform controlled substances act and amendments thereto, *or any substantially similar offense from another jurisdiction*, or to avoid a transaction reporting requirement under state or federal law.

(e) (1) A person who violates this section, when the value of the proceeds is less than \$5,000, is guilty of a drug severity level 4 felony.

(2) A person who violates this section, when the value of the proceeds is at least \$5,000 but less than \$100,000, is guilty of a drug severity level 3 felony.

(3) A person who violates this section, when the value of the proceeds is at least \$100,000 but less than \$500,000, is guilty of a drug severity level 2 felony.

(4) A person who violates this section, when the value of the proceeds is \$500,000 or more, is guilty of a drug severity level 1 felony.

(f) This section shall be part of and supplemental to the uniform controlled substances act, K.S.A. 65-4101 et seq. and amendments thereto.

Sec. 2. K.S.A. 65-4142 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 10, 2009.
