

SESSION OF 2004

SUPPLEMENTAL NOTE ON SENATE BILL NO. 379

As Recommended by Senate Committee on
Financial Institutions and Insurance

Brief*

SB 379 concerns property seized for forfeiture by a law enforcement officer upon process issued by the district court. The bill requires the seizing agency to make a reasonable effort to notify the person from whose possession the property was taken and any interest holder of record and to do so within 30 days of seizing the property.

Background

SB 379 was recommended by the Kansas Bankers Association, whose representative explained that current law allows either the seizing agent or the plaintiff's attorney to give the required notices. Having an option has led to indecision and confusion over who is actually supposed to provide the notice. The bill removes the option and, further, adds a specific time in which the notice is to be given, thereby allowing the lienholder to become involved in the forfeiture process sooner.

The bill also is supported by the Heartland Community Bankers Association.

The fiscal note prepared by the Division of the Budget indicates that passage of the bill will have no fiscal effect.

*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>