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www.KansasCatholic.org
Phone: 785-227-9247
Cell: 316-708-5350

KANSAS STATEHOUSE OFFICE
Kansas Catholic Conference
204 SW 8th Ave.
Topeka, KS 66603

Written PROPONENT testimony in support of SB 458, AN ACT concerning seizure and forfeiture of property; relating to the Kansas standard asset seizure and forfeiture act; specifying that certain drug offenses do not give rise to forfeiture under the act; requiring courts to make a finding that forfeiture is not excessive; restricting actions prior to commencement of forfeiture proceedings; requiring probable cause affidavit filing and review to commence forfeiture proceedings; increasing the burden of proof required to forfeit property to clear and convincing evidence; providing persons involved in forfeiture proceedings the ability to request a jury trial; authorizing courts to order payment of attorney fees and costs for certain claimants; requiring the Kansas bureau of investigation to submit forfeiture fund financial reports to the legislature; amending K.S.A. 2023 Supp. 60- 4104, 60-4106, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113, 60- 4114, 60-4116, 60-4117 and 60-4127 and repealing the existing sections.

TO: Madam Chair Senator Warren and members of the Judiciary Committee

FROM: Lucrecia Nold, Public Policy Specialist, Kansas Catholic Conference

DATE: February 13, 2024

Dear Madam Chair Warren and Judiciary members,

My name is Lucrecia Nold and I serve as the Public Policy Specialist for the Kansas Catholic Conference, which is the public policy voice of the Catholic Bishops of Kansas. I wish to begin by thanking you for the opportunity to provide PROPONENT testimony for SB 458.

First and foremost, we would like to acknowledge the importance of law enforcement. They play a crucial role in keeping and maintaining order within our society. Our support for this bill is nothing against them and the great work they do, to serve and protect the citizens of Kansas. The support for this bill stems from the need to protect individuals who often are taken advantage of simply because of their ethnicity and/or financial status.

We believe that every individual has the right to private property. This right is necessary for the good order of our society. However, when private property is discriminatorily taken from someone, an act of injustice has occurred, breaking the commandment of "Thou shall not steal".

A deeper explanation of the breaking of this commandment is addressed in the Catechism of the Catholic Church, paragraph #2401, which states: "The seventh commandment forbids unjustly taking or keeping the goods of one's neighbor and wronging him in any way with respect to his goods. It commands justice and charity in the care of earthly goods and the fruits of men's labor. For the sake of the common good, it requires respect for the universal destination of goods and respect for the right to private property."

When it comes to the topic of asset forfeiture, we also must take into consideration the presumption of innocence. The phrase, "Innocent until proven guilty" was coined by a

Catholic Cardinal, Johannes Monachus, with the original Latin phrase, "*item quilibet presumitur innocens nisi probetur nocens*". Individuals have the right to maintain their innocence, and thus their property, until proven guilty. Ignoring this basic concept of law has led to many losing their hard-earned wages- often in the form of cash, their vehicles, and more. All things needed for them and their families to continue functioning as productive members of society. Placing such a burden on individuals is an unjust act that should not be overlooked.

For the reasons mentioned above, is why we support SB 458. We graciously ask for your full support for this legislation as well.

Thank you for the opportunity to provide written proponent testimony for SB 458. Please reach out if you have any questions.



Lucrecia Nold
Public Policy Specialist
Kansas Catholic Conference
lucrecia@kansascatholic.org