



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

**Testimony in Support of House Bill 2028
Presented to the Senate Judiciary Committee
By Attorney General Derek Schmidt**

March 13, 2013

Mr. Chairman, members of the Committee, thank you for the opportunity to offer this testimony in support of House Bill 2028.

Under current law, the attorney general has authority to bring civil forfeiture proceedings after the county or district attorney has declined to do so. This bill does not change the authority of the attorney general in that regard.

The bill would provide, however, that in those cases where the attorney general is bringing the proceeding for forfeiture, the case may be brought in Shawnee County District Court. There is also a provision that allows the case to be returned to another appropriate venue if there is objection to proceeding in Shawnee County and if the court determines that another venue is more appropriate.

The purpose of this legislation is to minimize the resources required to be spent by the attorney general's office when it brings civil forfeiture cases. Many of these cases end up being uncontested, but still resources must be expended traveling throughout the state to litigate them. Because of that, it can be impractical to handle smaller forfeiture cases because the cost of litigating them may exceed the value of any asset forfeited. This bill creates an opportunity to expand the number of forfeiture cases that are actually brought, under authority of current law, and to do so at lesser cost than could be accomplished currently.

I would note that there is precedent for allowing certain types of specialized cases to be brought in Shawnee County regardless of where the relevant acts or omissions may have occurred. See, e.g., K.S.A. 50-110 (Kansas Restraint of Trade Act actions may be brought in Shawnee County).

Thank you for your consideration.