

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2028

By Committee on Judiciary

1-17

1 AN ACT concerning forfeiture; relating to venue in forfeiture proceedings;
2 amending K.S.A. 60-4103 and repealing the existing section.

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

5 Section 1. K.S.A. 60-4103 is hereby amended to read as follows: 60-
6 4103. (a) The district court has jurisdiction under this act over:

7 (1) All interests in property if the property for which forfeiture is
8 sought is within this state at the time the action is filed; or

9 (2) the interest of an owner or interest holder in the property if the
10 owner or interest holder is subject to personal jurisdiction in this state.

11 (b) (1) In addition to the venue provided for under any other
12 provision of law, a proceeding for forfeiture under this act may be
13 maintained in the county in which any part of the property is found or in
14 the county in which a civil or criminal action could be maintained against
15 an owner or interest holder for the conduct alleged to give rise to the
16 forfeiture.

17 (2) (A) *Except as provided by paragraph (b)(2)(B), any proceeding*
18 *for forfeiture brought by the attorney general may be commenced and*
19 *maintained in:*

20 (i) *Any county in which there is proper venue as provided in*
21 *subsection (b)(1) or any other provision of law; or*

22 (ii) *Shawnee county unless a motion to change venue is properly filed*
23 *with the court not later than 20 days after service of the petition*
24 *commencing such proceeding. If such motion to change venue is properly*
25 *filed, the court ~~may hold a hearing and shall determine whether, upon~~*
26 *consideration of the totality of the circumstances, the ends of justice-*
27 *require the transfer of **shall transfer** the proceeding to another county in*
28 *which there is proper venue as provided in subsection (b)(1) or any other*
29 *provision of law.*

30 (B) *If a proceeding for forfeiture is brought by the attorney general*
31 *and involves property, law enforcement agencies, or owners or interest*
32 *holders of property in multiple counties, such proceeding may be*
33 *commenced and maintained in:*

34 (i) *Shawnee county; or*

35 (ii) *any county in which there is proper venue as provided in*
36 *subsection (b)(1) or any other provision of law.*

1 Sec. 2. K.S.A. 60-4103 is hereby repealed.

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