

March 10, 2016

The Honorable John Barker, Chairperson  
House Committee on Judiciary  
Statehouse, Room 519-N  
Topeka, Kansas 66612

Dear Representative Barker:

**SUBJECT:** Fiscal Note for HB 2699 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2699 is respectfully submitted to your committee.

Under current law, after a local law enforcement agency seizes property, the agency is required to submit a request for forfeiture to the county or district attorney where the seizure occurred within 45 days. The county or district attorney has 14 days to accept the request. If the request is declined or if there is no answer, the agency could request a state law enforcement agency to adopt the forfeiture or engage an attorney, approved by the county or district attorney, to represent the agency at the forfeiture proceeding. If the requesting agency is a state law enforcement agency, the county or district attorney has 14 days to accept the request; however, if the request is declined or goes unanswered, the state law enforcement agency could engage an Assistant Attorney General or another attorney approved by the Attorney General. HB 2699 would remove the provision allowing the seizing local law enforcement agency to engage an attorney approved by the county or district attorney and the provision allowing a state law enforcement agency to engage an attorney approved by the Attorney General.

The bill would change the distribution of funds when the forfeiture action involves a local law enforcement agency. Under current law, local law enforcement agencies receive 100.0 percent of forfeiture proceeds, which are credited to the city or county treasury. HB 2699 would require that 50.0 percent of the forfeiture proceeds be deposited in the city or county treasury and the other 50.0 percent would be deposited in the City and County Forfeiture Fund, established by the bill. The fund would be administered by the Attorney General.

The Attorney General states enactment of HB 2699 would increase expenditures since the agency would be required to administer the City and County Forfeiture Fund. The agency

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indicates any additional expenditures could be absorbed within existing resources. However, the agency estimates if monies in the fund grew in future years, additional personnel may be required to administer the fund.

The League of Kansas Municipalities and the Kansas Association of Counties indicate enactment of HB 2699 would reduce revenues to local governments from forfeiture proceeds by 50.0 percent; however, the League and Association are unable to estimate the total loss of revenue. The Division of the Budget states enactment of the bill would increase revenue to the state since HB 2699 requires 50.0 percent of forfeiture proceeds be credited to the City and County Forfeiture Fund. Any fiscal effect associated with HB 2699 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Willie Prescott, Attorney General's Office  
Melissa Wangemann, Association of Counties  
Kim Torrey, Highway Patrol  
Shelia Sawyer-Tyler, KBI  
Ashley Michaelis, Judiciary  
Larry Baer, League of Municipalities  
Jack Smith, Department of Revenue  
Adam Pfannenstiel, Corrections