



Testimony of the Kansas Association of Counties
to the Senate Judiciary Committee
on HB 2459

March 14, 2018

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to offer testimony in support of HB 2459. Following the 2017 legislative discussions on asset seizure and forfeiture, the Judicial Council appointed an Asset Forfeiture Advisory Council to look more in-depth at the issues raised. The council met over the summer and fall to discuss potential legislation aimed at addressing concerns raised about the current law. The task force was comprised of several vantage points, and KAC was privileged to be part of the discussion. We believe HB 2459 is a good compromise between the parties and a good starting place to updating Kansas law relating to asset seizure and forfeiture.

One key component of HB 2459 is the central repository of information. Legislative Post Audit had discussed the potential benefit of a central reporting system during its examination and report on asset forfeiture. The data collected will help the legislature study trends and incidents of asset seizure and forfeiture and should aid in any future review of the law. The advisory council recommended general questions that will be asked on the KBI form and Kansas counties are willing to accommodate the general questions discussed at the council meetings. If the report becomes more complicated with time-consuming details that will burden our locals, we will be concerned that the law has turned into an unfunded mandate by the State.

The bill reflects the discussion by the advisory council about the use of forfeiture proceeds. We agree that the current law should be amended to follow the United States Department of Justice's guidelines on proper use.

Also included in HB 2459 are moderated positions between prosecutors and defense attorneys aimed at addressing innocent owners of property and the rate of default judgments against property owners. To the extent we could find agreement, HB 2459 also includes amendments that will provide better notice and opportunity to be heard to those affected by the asset seizure and forfeiture laws.

We support the bill and ask the committee to recommend it favorably. Thank you for your time.

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