

**State of Kansas**  
**House of Representatives**



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**Gail A. Finney**  
**Representatives, 84<sup>th</sup> District**

March 14, 2018

Chairman Rick Wilborn  
Kansas Senate Judiciary Committee

**Re: Testimony HB 2459 / Civil Asset Forfeiture Act / Neutral**

Thank you, Chairman Wilborn and Committee for this opportunity to provide neutral testimony for HB 2459. This bill is a good first-step to help modify Kansas' 24-year-old 1994 Kansas Standard Asset Forfeiture and Seizure Act (KSAFSA).

HB 2459 successfully implements nearly all the Legislative Post Audit's recommendations from their "Evaluated Compliance with State Law and How Proceeds are Tracked, Used, and Reported on Seized and Forfeited Property" report. It improves the centralized reporting requirements for law enforcement agencies, streamlines data collection on forfeitures from throughout the state, helps improve transparency with the proposed data collection repository and new website, and it prohibits a county attorney, district attorney, or the Attorney General from referring forfeiture cases to attorneys with whom they have financial interest. Last, but not least, it also extends the amount of time an owner or interest owner of forfeited property must request an exemption from forfeiture. These proposed changes are a welcomed improvement to our current forfeiture act, but the bill does not go far enough to help protect the property rights and due process of citizens, or reduce the policing for profit incentivization.

As we review this bill today, and a year or two from now even if this bill is fully implemented, Kansans will still be subjected to their property being seized and forfeited on the mere suspicion that a crime has taken place without any arrest, charge, or conviction of a crime. There is still much more work to do to sufficiently improve the KSAFSA.

The Kansas Legislature should seriously consider requiring a conviction of a crime before forfeiting a known person's assets, place seized revenues in a neutral account such as the State General Funds, raise the standards of proof for law enforcement to ensure that police provide "clear and convincing evidence" of wrongdoing, put a limit on equitable sharing arrangements, and continue to make sure that the seized assets information is tracked and easily accessible by the public.

**Committees:** Financial Institutions Ins. & Pensions, Local Government, Transp. & Public Safety Budgets

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The Kansas Legislature bears the responsibility to protect the property rights and due process rights of its citizens. It should take the lead and not pass the buck on this unjust issue for another twenty-four years to a future legislature. The KSAFSA should not be very easy and rewarding to law enforcement with low standards of proof, limited innocent owner protections, and all forfeiture proceeds going exclusively to the police.

Respectfully Submitted,

A handwritten signature in black ink that reads "Gail Finney". The signature is written in a cursive, flowing style.

Representative Gail Finney