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**Testimony to the Senate Judiciary Committee
In Support of SB46
February 6, 2019**

Chairman Wilborn and Committee members:

Our associations support SB46. This bill addresses an issue with recovering stolen property from pawn shops and precious metal dealers that our members see as a most atrocious treatment of victims by requiring them to pay certain businesses to get their stolen property back. We know of no other group that is protected from buying or possessing stolen property as are these businesses.

Imagine you are the victim of a burglary or theft. You have information to positively identify your property and you report the loss to law enforcement. You, or law enforcement, finds your property in a pawn shop or precious metal shop. You are told the only way you can recover your property, even though you can prove it is yours and it is stolen, is to pay these businesses for the item in question. So someone steals my stuff and I have to pay to get it back. How is that right?

If an individual bought something on e-bay that we can confirm stolen, we wouldn't require the victim to pay to get it back. We don't do that when we stop someone in a stolen car and the driver says they bought it from someone else. If a dealer or scrap yard were to buy an identifiable stolen car or recyclable metal we wouldn't require the victim to pay to get it back.

Of course, the victim can hire an attorney and take the business to court. I suppose the victim can even hire an attorney and go after the person that pawned or sold it to the business. But again, how is that right?

That scenario is what victims in Kansas have faced for too long. It is time to change it.

We are not trying to swing the pendulum too far the other way. But just like any other business, there are risks associated with these loans or purchases. Just because someone signs an affidavit that says it isn't stolen doesn't make it so. Who thinks a thief is going to have the ethics to not sign a false statement? And why should such a statement shift the burden to the victim from the business that took a chance the item wasn't stolen.

In our opinion, this bill offers an appropriate solution to the problem. It also offers a reasonable legal remedy for the businesses to pursue the recovery of their losses other than from the victim. Victims in Missouri are treated better than this, Kansas victims should be too.

We urge you to pass this bill favorably.

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