



Kansas Peace Officers Association

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“Co-operation and Justice”

Testimony to Committee on Judiciary

Opposing HB2648

February 15, 2022

Chairman Patton and Committee Members,

The Kansas Peace Officers Association (KPOA) is providing written testimony not supporting HB2648.

The purpose of civil and criminal forfeitures is for law enforcement agencies to utilize the ability to seize assets of ill-gotten gains from illegal criminal enterprises with the hope of disrupting the enterprise and better communities in Kansas. The current process to seize and/or forfeiture property can either be filed in the state court or the federal court, both of which have a similar process that takes place with judicial review just as any other criminal or civil procedure. In 2018, the Kansas legislature passed K.S.A. 60-4127 that requires all Kansas law enforcement agencies to report asset seizure and forfeiture information to the Kansas Asset Seizure and Forfeiture Repository (KASFR). The KASFR website allows the Kansas Bureau of Investigation (KBI) to collect and maintain the reports submitted by law enforcement agencies to provide a representation of asset seizures and forfeitures in the State of Kansas. It also provides a means for the information to be publicly available. The information submitted consists of completed forfeiture action(s), which are actions of any civil forfeiture case with completed court proceedings, as well as any case that may have been resolved by the law enforcement agency prior to or during court proceedings.

HB2648 amends the civil forfeiture of property “relating to property seized by law enforcement officers; offenses giving rise to forfeiture under the Kansas standard asset seizure and forfeiture act;” to require a criminal conviction. The ability to seize property underneath both the criminal and civil forfeiture acts still needs to be accessible for law enforcement. The process for civil forfeiture still maintain a judicial review just as any other criminal or civil case currently.

HB2648 does have a similar requirements throughout bill HB2640 with regards to funds being provided to the state general fund. However, there is no specific direction how the funding is going to be utilized after the fact. HB2648 does not allow for any of the proceeds to benefit victims, law enforcement, satisfy other interests, and/or prosecuting attorney’s costs by putting all proceeds back in the state general funds which can then

be utilized by any state agency. The majority of distribution laws stricken and replace detailing requirements to go to the state general fund which is not listed.

In closing, KPOA would propose the State of Kansas adopt similar rules as the Federal Government utilizing their Federal Asset Forfeiture procedures.

Thank you for your consideration,

Ed Klumpp
KPOA Legislative Liaison