

To: House Judiciary Committee

From: John Goodyear, General Counsel

Date: February 16, 2022

RE: Opposition Testimony on HB 2648

We want to thank Chairman Patton and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide opposition testimony to HB 2648

One of the primary directives that we have charged governments with is to act in a way that protects and preserves the health, safety, and welfare of the public. Law enforcement entities act under this charge when they take actions meant to reduce crime in our communities. One of the tools used by law enforcement is the Kansas standard asset seizure and forfeiture act. The goal of asset forfeiture is to reduce the ability of criminal actors to profit from illegal activity. HB 2648 will serve to hamstring this act and will allow criminals to retain the fruits of their criminal enterprise.

There are many instances in which a criminal conviction will not be possible. For example: where the defendant dies; where the defendant is a fugitive that cannot be found and brought before the court; or where the property is found with a courier and the owner of the property cannot be determined. HB 2648 would require seized property likely to have been used in criminal activity to be returned. Further, the bill will dramatically increase the length of storage time for many seized assets. It can take months, or even years for cases to go to trial. If law enforcement agencies are required to hold this property until a conviction occurs, the increased storage time necessitated by the HB 2648 will result in increased costs.

Finally, HB 2648 would direct the proceeds from disposition of forfeited assets to the state general fund without regard to the costs to the law enforcement entities that seize and store the materials. This has the effect of creating a substantial unfunded mandate to all law enforcement agencies in the state.

The League is opposed to HB 2648 for the reasons stated above and would ask that the Committee not recommend it favorably.