



Kansas County & District Attorneys Association

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To: House Judiciary Committee
From: Steve Kearney, Executive Director
Re: Opposition testimony for House Bill 2640 and House Bill 2648
Date: February 16, 2022

Chairman Patton and members of the House Judiciary Committee:

Thank you for taking the time to consider the remarks of the Kansas County and District Attorney's Association (KCDA) regarding House Bill 2648 and House Bill 2640. The KCDA opposes these proposed wholesale and dramatic amendments of the current statutory scheme for civil asset forfeiture in Kansas. We join with the other members of the law enforcement community in their detailed concerns about the changes enumerated in these measures. For a complex set of statutes like these, changes merit careful and deliberate consideration, and there is already an established mechanism for such a discussion.

The committee may recall that these statutes were amended just a few years ago after a thorough and exhaustive examination of the Kansas Standard Asset Seizure and Forfeiture Act (KSASFA) by the Judicial Council Civil Asset Forfeiture Advisory Committee. That Advisory Committee was established at the request of the Kansas Legislature by the Judicial Council for that singular purpose. By design it was made up of both proponents and opponents of asset forfeiture, bringing together the voices of stakeholders and experts on both sides.

The Advisory Committee held four all-day meetings and three telephone conferences to study the topic of civil asset seizure and forfeiture and make recommendations to the Legislature. The 17-page report (109 pages with attachments) recommended to the 2018 Legislature what became HB 2459 containing the key reforms resulting from their deliberations. HB 2459, a 16-page measure, passed and was signed into law.

That measure created as part of the Advisory Committee's recommendations the establishment of a central repository for asset seizure and forfeiture reporting by the Kansas Bureau of Investigation (KBI). The intention was to create transparency in asset seizure and forfeiture while gathering data through the new reporting requirement for future fact-based decision making.

The Committee did not consider its work complete, but indeed suggested that when a sufficient number of years of data collection had taken place, that it could reconvene and consider what further changes need be made to the KSASFA, if any. At that point, the Committee would be armed with actual Kansas data to make decisions for Kansans based on facts, instead of hotly contested and often unsubstantiated speculation and conjecture about the emotionally charged issues surrounding asset forfeiture.

Therefore, we respectfully encourage this Committee to take no action on HB 2648 or HB 2640 and instead request the Judicial Council Civil Asset Forfeiture Advisory Committee continue its work based on the forgoing.