



## **Kansas Association of Chiefs of Police**

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### **Testimony to Committee on Judiciary Opponent Testimony on HB 2648**

Chairman Patton and Committee Members,

The Kansas Association of Chiefs of Police is providing written testimony in opposition of HB2648.

The Kansas Asset Forfeiture Act was first enacted in 1994. From then to now it has come under attack many times. Most often when there is an alleged abuse in another part of the country, where the state law is not as robust as Kansas' laws concerning forfeiture. Kansas' current law is working and is not being abused by law enforcement or prosecutors.

While requiring a criminal conviction before a forfeiture proceeding can commence sounds like a good idea, as a practical matter it will not work. The reasons this is impractical are myriad. The death of a defendant would make it impossible to file a forfeiture action as there could never be a conviction. Other defendant flees the country and never surface again. In other cases, as is the prosecutor's prerogative, a prosecution does not occur. This can be for a variety of reasons such as illness, advanced age, cooperation in other cases, etc. The clever criminals hide their assets by creating shell companies and putting their ill-gotten assets in the names of friends and relatives.

So, as a practical matter, requiring a criminal conviction before a forfeiture proceeding can take place is not a rational or logical policy decision.

For these reasons the Kansas Association of Chiefs of Police is opposed to HB2648.

Thank you for your consideration.

Chief Darrell Atteberry  
Legislative Chair  
Kansas Association of Chiefs of Police