



Chair Fred Patton, Vice Chair Bradley Ralph, Ranking Minority Member John Carmichael, and Members of the House Judiciary Committee:

On behalf of the Justice Action Network, the largest bipartisan organization in the country working to reform our state and federal criminal justice systems, **I write you today in strong support of House Bill 2648**. This bill would dramatically improve civil asset forfeiture procedures in Kansas by preserving the use of asset forfeiture for those convicted of crimes while ensuring that innocent owners do not have their property unjustly forfeited.

Asset forfeiture is an important tool for law enforcement to divest convicted offenders from the proceeds and instrumentalities of their criminal behavior. However, without adequate protections for innocent owners, its reach can be far too broad. Indeed, asset forfeiture was one of the many grievances our founding fathers held against the king of England, and its abuse laid the groundwork for their crafting of the Constitution.

States across the country have begun to reform forfeiture practices to ensure that innocent citizens do not have their property unjustly taken from them. Since 2014, 36 states have passed some form of reforms, from a transformation to a criminal asset forfeiture system in New Mexico and Nebraska; to requiring a conviction prior to forfeiture in Michigan, Arkansas, and Minnesota; to shifting the burden of proof to the government in Pennsylvania and Arizona. Indeed, Kansas took an important first step in 2018 with the passage of House Bill 2459 on an overwhelmingly bipartisan vote. That legislation created broad data collection and transparency requirements and provided some initial protections for innocent owners.

This year, House Bill 2648 is an important next step for Kansas. This legislation would require a conviction prior to a forfeiture, except those agreed to pursuant to a plea agreement or a law enforcement assistance agreement; prohibit the use of roadside waivers that coerce property owners into signing away their interest in the property; create a framework for determining whether a forfeiture is unconstitutionally excessive; and transfer the proceeds from forfeitures into the state general fund, a measure to dramatically improve the transparency and accountability into forfeitures.

These provisions are vitally important for property owners and taxpayers across Kansas. The examples of unjust forfeitures are numerous, and this legislation is necessary to protect private property and fully embrace the constitutional principles on which these united states are founded. I appreciate your consideration of this bill, and urge you to swiftly approve House Bill 2648.

Sincerely,
Jeanette Bottler
Deputy Director, the Justice Action Network