



INSTITUTE FOR JUSTICE

February 15, 2022

Representative Fred Patton
Chairman of the Judiciary Committee
House of Representatives
State of Kansas
300 SW 10th Avenue-Suite 519N
Topeka KS 66612-1509

Re: Opposition to HB 2648

Dear Chairman Patton and Members of the House Judiciary Committee:

Thank you for the opportunity to submit written testimony in opposition HB 2648. My colleagues and I oppose this legislation because, although well intended, it will not achieve its purpose.

It will not ensure that Kansans who are acquitted of criminal charges get back their property. This is because the bill only changes the timing of civil litigation. It does not replace it with a criminal forfeiture process united with the criminal prosecution in criminal court, as HB 2640 does.

Instead, HB 2648 maintains Kansas' **two-track process of criminal prosecutions and civil forfeitures**. In doing so, the bill does not address the real problem—approximately 80% of property owners of seized property do not engage in civil litigation.

Property owners face a civil process that is complex and costly that deals with relatively low-valued property. The median currency forfeiture in Kansas is only \$2,591.

In most cases, that amount is less than the cost of hiring a lawyer. Facing this reality, Kansans wisely do not pursue litigation in civil court. Instead, **they default!** As such, the bill's benefit of a conviction prerequisite is unrealized because the civil case is ended by the property owner's default.

Secondly, indigent Kansans are not provided counsel in civil court. They too default.

For these two reasons and others, my colleagues and I respectfully recognize the good intentions of the proponents but ask you to oppose HB 2648. Instead, please support HB 2640. Thank you.

Sincerely,

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