

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 458** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 7, by striking all in lines 13 through 15; in line 18, before "It" by inserting "(1) A state or local law enforcement agency may request federal adoption of a seizure pursuant to this act or otherwise transfer or refer seized property to a federal agency only if:

(A) The seizure by the agency occurs pursuant to a joint task force with federal law enforcement authorities;

(B) the seizure by the agency occurs pursuant to a joint investigation with federal law enforcement authorities as part of an ongoing federal investigation;

(C) the agency makes such request in conjunction with a request for federal law enforcement authorities to adopt the criminal investigation relating to the seizure;

(D) the property seized by the agency is subsequently seized pursuant to a federal seizure warrant, obtained from a federal court to take custody of assets originally seized under state law;

(E) the property seized by the agency directly relates to a serious public safety concern; or

(F) the gross estimated value of the property seized by the agency is \$25,000 or more.

(2) Subject to the requirements of paragraph (1),";

On page 20, in line 24, by striking the first comma and inserting "or"; also in line 24, by striking "or federal"; in line 28, before "destroy" by inserting "transfer the custody or ownership to any federal agency if authorized pursuant to K.S.A. 60-4107, and amendments thereto;

(3)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 27, following line 5, by inserting:

"Sec. 10. K.S.A. 2023 Supp. 60-4127 is hereby amended to read as follows: 60-4127.

(a) ~~On or before July 1, 2019,~~ The Kansas bureau of investigation shall establish the Kansas asset seizure and forfeiture repository. The repository shall gather information concerning each seizure for forfeiture made by a seizing agency pursuant to the Kansas standard asset seizure and forfeiture act including, but not limited to, the following:

- (1) The name of the seizing agency or the name of the lead agency if part of a multi-jurisdictional task force;
- (2) the county where the seizure occurred;
- (3) the date and time the seizure occurred;
- (4) any applicable agency or district court case numbers for the seizure;
- (5) a description of the initiating law enforcement activity leading to the seizure;
- (6) a description of the specific location where the seizure occurred;
- (7) the conduct or offense giving rise to the forfeiture;
- (8) a description of the type of property seized and the estimated value;
- (9) a description of the type of contraband seized and the estimated value;
- (10) whether criminal charges were filed for an offense related to the forfeiture and, if so, court and case number information for the criminal charges;
- (11) a description of the final disposition of the forfeiture action, including a description of the disposition of any claim or exemption asserted under this act;
- (12) whether the forfeiture was transferred to the federal government for disposition;
- (13) the total cost of the forfeiture action, including attorney fees; and
- (14) the total amount of proceeds from the forfeiture action, specifying the amount received by the seizing agency and the amount received by any other agency or person.

(b) ~~On and after July 1, 2019,~~ The Kansas bureau of investigation shall maintain the repository and an associated public website. ~~On or before July 1, 2019,~~ The Kansas bureau of investigation shall promulgate rules and regulations to implement this section.

(c) ~~On and after July 1, 2019,~~ Each seizing agency shall report information concerning each seizure for forfeiture to the Kansas asset seizure and forfeiture repository as required by this section and the rules and regulations promulgated pursuant to this section. The prosecuting attorney shall submit information concerning each forfeiture action to the seizing agency within 30 days after the final disposition of the forfeiture. The seizing agency shall submit the required information to the repository within 60 days after the final disposition of the forfeiture.

(d) ~~On or before February 1, 2020,~~ and Annually, on or before February 1 ~~thereafter,~~ each law enforcement agency shall compile and submit a forfeiture fund financial report to the Kansas asset seizure and forfeiture repository as required by this section and the rules and regulations promulgated pursuant to this section.

(1) If the law enforcement agency is a state agency, the report shall include, but not be limited to:

(A) The agency's state forfeiture fund balance on January 1 and December 31 of the preceding calendar year; and

(B) the total amount of the deposits and a listing, by category, of expenditures from January 1 through December 31 of the preceding calendar year.

(2) If the law enforcement agency is a city or county agency, the report shall include, but not be limited to:

(A) The agency's special law enforcement trust fund balance on January 1 and December 31 of the preceding calendar year; and

(B) the total amount of the deposits and a listing, by category, of expenditures from

January 1 through December 31 of the preceding calendar year.

(3) The report shall separate and account for:

(A) Deposits and expenditures from proceeds from forfeiture credited to the fund pursuant to K.S.A. 60-4117, and amendments thereto;

(B) deposits and expenditures from proceeds from forfeiture actions under federal law; and

(C) amounts held by the agency related to pending forfeiture actions under the Kansas standard asset seizure and forfeiture act.

(e) ~~(1) On March 1, 2020, and~~ Annually, on March 1 ~~thereafter~~, the Kansas bureau of investigation shall determine whether each agency's forfeiture fund financial report matches the agency's seizing report. If the Kansas bureau of investigation determines that an agency's financial report does not substantially match that agency's seizing report or the agency has not submitted a financial report, the Kansas bureau of investigation shall notify such agency of the difference in reports. Such agency shall correct the reporting error within 30 days. If the reporting error is not corrected within 30 days, the Kansas bureau of investigation shall send such law enforcement agency, and the county or district attorney for the county in which such law enforcement agency is located, a certified letter notifying such agency that it is out of compliance. Upon receipt of such letter, no forfeiture proceedings shall be filed on property seized by such law enforcement agency. When such law enforcement agency has achieved compliance with the reporting requirements, the bureau shall send such law enforcement agency, and the county or district attorney for the county in which such law enforcement agency is located, a certified letter notifying such agency that it is in compliance and forfeiture proceeding filings may continue pursuant to this act.

~~(2)~~ Annually, on or before April 15, the Kansas bureau of investigation shall report to

the legislature president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives:

(A) Any law enforcement agencies in the state that have failed to come into compliance with the reporting requirements in subsection (d); and

(B) each agency's forfeiture fund financial report submitted pursuant to subsection (d).";

Also on page 27, in line 7, by striking "and" and inserting a comma; in line 8, before "are" by inserting "and 60-4127";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "providing limitations on state and local law enforcement agency requests for federal adoption of a seizure under the act;"; in line 12, before "amending" by inserting "requiring the Kansas bureau of investigation to submit forfeiture fund financial reports to the legislature;"; in line 14, by striking the first "and" and inserting a comma; also in line 14, before the second "and" by inserting "and 60-4127";

And your committee on conference recommends the adoption of this report.

Conferees on part of House

Conferees on part of Senate