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Senate Judiciary Committee
Testimony of Kyle Smith, Assistant Attorney General
Office of Attorney General Derek Schmidt

In Support of SB 74
February 14, 2011

Chairman Owens and Members of the Committee,

I appear today in support of passage of SB 74. The Kansas Asset Seizure and Forfeiture Act (KASFA) was adopted in 1994, based on the work of Attorney General Robert T. Stephan's "Task Force on Asset Forfeiture". I was the chair of that task force and worked with the legislature in 1993 and 1994 on passage of the act. We identified four main reasons to utilize forfeiture as an effective law enforcement tool:

Asset forfeiture is an effective tool as it has multiple remedial benefits: (1) it removes the offending property be it guns or cash, so that it can't be used to commit future crimes; (2) it serves as a deterrent not only to the criminal who loses his ill-gotten gains, but to the youth who also see that drug dealing is not an easy way to riches; (3) it destroys the ability of an illegal enterprise to compete against or corrupt legitimate commerce; and (4) it turns illegal profits and equipment into badly needed resources for law enforcement agencies.

Attorney General Robert Stephan's Task Force on Asset Forfeiture, 1993 final report

While most child molesters and pornographers are not financially motivated, the first purpose, removing the tools of this nefarious trade, is still an important reason to adopt SB 73. The computers, cameras and other electronic equipment should not be returned to the offenders. And occasionally more substantial assets are involved: One case in Jefferson County involved a van from out of state that was equipped and utilized as a 'rolling studio' by a defendant that was arrested for soliciting children for production of sexual movies and photographs. And of course, there are commercial profiteers on the internet trading in these materials and if ever caught in Kansas such operations should be stripped of their profits.

But criminals who prey upon our children and the horrific crimes they commit should be fought with every weapon at our disposal, including asset forfeiture.

I would be happy to answer any questions.

Senate Judiciary

2-14-11
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