



**Written Testimony in Support of HB2459**  
**Mr. Daniel Murray**  
**Kansas State Director, National Federation of Independent Business**

**Senate Judiciary Committee**  
**Wednesday, March 14, 2018**

I am pleased to submit written testimony in support of HB2459 on behalf of NFIB Kansas. NFIB Kansas is the leading small business organization in Kansas representing small and independent businesses. A non-profit, nonpartisan organization founded in 1943, NFIB Kansas represents the consensus views of its over 4,400 members in Kansas.

Many small business owners carry large cash sums to the bank and to other business locations for use in making change or deposits and other small business owners still use cash to make large supply purchases. All of these and other scenarios create a situation where small business is exposed to the potential of civil forfeiture seizures. Small business owners believe that if the government is going to seize property, citizens should be entitled to the highest standard of due process to challenge that seizure.

Indeed, the results of our 2018 NFIB Kansas State Ballot confirm that small business owners in Kansas want to see more reform of the state's civil asset forfeiture laws that would restrict the seizure of private property. When asked on the 2018 State Ballot: "Should Kansas' laws on Civil Asset Forfeiture be changed so that private property is seized only after a criminal conviction is secured?" 81 percent of NFIB small business members said "Yes", 8 percent said "No", and 11 percent said "Undecided".

Civil forfeiture laws allow the government to seize private property from a citizen or small business owner without ever charging them with a crime or providing evidence prior to seizing the assets. Government authorities (typically police departments) often pocket the proceeds while providing no prompt way to get a court to review the seizure. There is no incentive or requirement for the government to charge the business owner with a crime. Once the property is seized, government agencies are free to keep the property until the business owner pursues return of the property, which is often a costly and lengthy legal process that is stacked in favor of the government.

While HB2459 may not go as far as our members would like, we recognize that this bill is a step in the right direction to protect property owners and small businesses from abuses of the forfeiture process. We would implore the legislature to pursue additional measures to further reform asset forfeiture laws and uphold the property rights of Kansas small businesses.

Again, thank you for your consideration of our comments, and we urge you to vote HB2459 favorably for passage.