



Testimony to Senate Judiciary Committee
HB 2459 Amending Asset Forfeiture
14 March 2018
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Chairman Wilborn and Members of the Committee,

We appreciate this opportunity to present neutral testimony on HB 2459. We feel this bill is a small step in the right direction but it remains only the first step of reform in a larger system demanding attention and change. Incremental reform on some statutes may be appropriate. This bill offers an increase in transparency of the smallest increment while do nothing to address the staggering problems underlying the many abuses of asset forfeiture in Kansas.

A searchable database as outlined in the bill will provide transparency and allow both citizens and government officials easier access to information. If property is seized by local law enforcement, citizens should be able to obtain the annual report of that law enforcement's action from their city or county.

This committee is well aware of the abuses of existing asset forfeiture of practices around the country. Let me be clear, however, these abuses do not reflect on the overwhelming majority of dedicated law enforcement personnel in Kansas. However, that these abuses and conditions even exist is an affront to Kansans' constitutional protection from unreasonable search and seizure. Article 15 of the Kansas Bill of Rights says, "The right of the people to be secure in their persons and property against unreasonable searches and seizures shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or property to be seized."

We would encourage the committee to go further in reforming asset forfeiture by considering the following;

1. A receipt for seized property is required, including signatures of law enforcement and the affected citizen certifying the accuracy of the receipt to include the items outlined in Sec. 1 of this bill.
2. The law enforcement agency that seizes property is required to retain possession of it until the conclusion of prosecution, and that such property SHALL be returned to the owner within 14 days following adjudication that does not result in a conviction. If no prosecution is pursued within 30 days, said property MUST be returned at that time.
3. The municipal, county, or state government to which the law enforcement agency is associated shall be legally liable for failure to return seized property as provided for in statute.

Thank you for the opportunity to testify. We hope passage of HB 2459 is but the first step taken to reform the asset forfeiture statutes in Kansas.