

City Hall
8500 Santa Fe Drive
Overland Park, Kansas 66212
www.opkansas.org

Date: December 6, 2023
To: Chairman Owens and the Special Committee on Civil Asset Forfeiture
From: City of Overland Park
Re: Testimony in Opposition to Changing Kansas Forfeiture Laws

Thank you for accepting this testimony on behalf of the City of Overland Park in opposition to changing Kansas asset forfeiture laws.

The City supports the use of asset forfeiture as an important component in reducing financial gains from criminal acts while providing due process via the civil courts. All assets forfeited, or the proceeds of the sale of the same, should remain with the local government that seizes the property.

Previous legislation related to changing asset forfeiture laws sought to direct funds away from law enforcement agencies to the state general fund and add unnecessary proceedings to the asset forfeiture process. The City opposes these changes because they convert the asset forfeiture process into an unfunded mandate on local law enforcement agencies and increase the probability that bad actors will be able to retain the benefits of criminal activity.

The City also opposes any requirement of a criminal conviction prior to asset forfeiture being allowed. Criminal cases can sometimes take years to proceed through the system, allowing for the value of the items seized to be highly depreciated as they would have to remain in storage. If the money or items were allowed to remain in the custody of the accused, they would have little to no reason to ensure their safekeeping and upkeep. The current civil forfeiture process allows the owner of seized assets to object to their forfeiture, and the process should remain as is.

Thank you for allowing the City to submit testimony in opposition to changing Kansas forfeiture laws. The City respectfully requests that the Committee not recommend changing Kansas forfeiture laws.