



Kansas Sheriffs' Association

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Testimony to Special Committee on Civil Asset Forfeiture

Chairman Owens and Vice Chair Warren,

KSA understands and appreciates all the work that has been by Judicial Council Forfeiture Committee. KSA agrees with some of the recommendations being proposed and disagrees with other recommendations. Therefore, we are entering opposing testimony.

The first topic of discussion deals with simple possession of controlled substances from the crime where forfeiture is authorized. (KSA 60-4104) KSA concurs with this suggestion.

The second topic of exemption of firearms from any minimums, KSA supports this language.

In reference to setting thresholds for property being seized for forfeiture. (KSA 60-4107) KSA does not concur with the language that was set out in HB2380 and the thresholds that were established in the bill. We could give several scenarios were the threshold of \$1000 for cash and \$2500 for property are too high. We would like to remind the committee that the sole reason for asset forfeiture is to keep the money and property received by drug dealers from purchasing more drugs to sell to citizens of Kansas.

KSA would propose setting up a meeting with the house chair and senate chair along with the KSA, KACP and KPOA to have meaningful discussions on where limits should be set.

The next topic addresses setting a 14-day time-period to submit a request to the county or district attorney of jurisdiction. The time-period currently is 45 days. The committee also recommended filing a probable cause affidavit on the items in question. KSA understands the need to reduce the time-period and the filing of probable cause affidavits and we support these changes.

The next recommendation of requiring 50% threshold for assessment of total legal fees, KSA strongly opposes this language. The standard of (Good Faith) is well established in case law. This standard should remain in asset forfeiture.

Thank you for your consideration.

Jeff Easter
KSA Legislative Chair