

HOUSE BILL No. 2028

By Committee on Judiciary

1-17

1 AN ACT concerning forfeiture; relating to venue in forfeiture proceedings;  
2 amending K.S.A. 60-4103 and repealing the existing section.

Balloon #1: HB 2028  
For Committee on Judiciary  
Prepared By: Katherine McBride,  
Office of Revisor of Statutes  
January 31, 2013

HOUSE JUDICIARY

DATE: 1/31/13

ATTACHMENT 5

3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. K.S.A. 60-4103 is hereby amended to read as follows: 60-  
5 4103. (a) The district court has jurisdiction under this act over:

6 (1) All interests in property if the property for which forfeiture is  
7 sought is within this state at the time the action is filed; or

8 (2) the interest of an owner or interest holder in the property if the  
9 owner or interest holder is subject to personal jurisdiction in this state.

10 (b) (i) In addition to the venue provided for under any other  
11 provision of law, a proceeding for forfeiture under this act may be  
12 maintained in the county in which any part of the property is found or in  
13 the county in which a civil or criminal action could be maintained against  
14 an owner or interest holder for the conduct alleged to give rise to the  
15 forfeiture.

16 (2) (A) Except as provided by paragraph (b)(2)(B), any proceeding  
17 for forfeiture brought by the attorney general may be commenced and  
18 maintained in:

19 (i) Any county in which there is proper venue as provided in  
20 subsection (b)(1) or any other provision of law; or

21 (ii) Shawnee county unless a motion to change venue is properly filed  
22 with the court not later than 20 days after service of the petition  
23 commencing such proceeding. If such motion to change venue is properly  
24 filed, the court ~~may hold a hearing and shall determine whether upon~~  
25 ~~consideration of the totality of the circumstances, the ends of justice~~  
26 ~~require the transfer of the proceeding to another county in which there is~~  
27 ~~proper venue as provided in subsection (b)(1) or any other provision of~~  
28 ~~law.~~

shall transfer

29 (B) If a proceeding for forfeiture is brought by the attorney general  
30 and involves property, law enforcement agencies, or owners or interest  
31 holders of property in multiple counties, such proceeding may be  
32 commenced and maintained in:

33 (i) Shawnee county; or

34 (ii) any county in which there is proper venue as provided in  
35 subsection (b)(1) or any other provision of law.  
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