

HOUSE BILL No. 2081

By Committee on Corrections and Juvenile Justice

1-24

1 AN ACT concerning civil procedure; relating to the forfeiture of  
2 instrumentalities of a crime; amending K.S.A. 2012 Supp. 60-4104 and  
3 60-4105 and repealing the existing sections.  
4

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

6 Section 1. K.S.A. 2012 Supp. 60-4104 is hereby amended to read as  
7 follows: 60-4104. Conduct and offenses giving rise to forfeiture under this  
8 act, ~~whether or not there is a prosecution or conviction related to the~~  
9 offense, are:

- 10 (a) All offenses which statutorily and specifically authorize forfeiture;
- 11 (b) violations involving controlled substances, as described in K.S.A.  
12 2012 Supp. 21-5701 through 21-5717, and amendments thereto;
- 13 (c) theft, as defined in K.S.A. 2012 Supp. 21-5801, and amendments  
14 thereto;

15 (d) criminal discharge of a firearm, as defined in subsections (a)(1)  
16 and (a)(2) of K.S.A. 2012 Supp. 21-6308, and amendments thereto;

17 (e) gambling, as defined in K.S.A. 2012 Supp. 21-6404, and  
18 amendments thereto, and commercial gambling, as defined in subsection  
19 (a)(1) of K.S.A. 2012 Supp. 21-6406, and amendments thereto;

20 (f) counterfeiting, as defined in K.S.A. 2012 Supp. 21-5825, and  
21 amendments thereto;

22 (g) unlawful possession *or use* of a scanning device or reencoder, as  
23 described in K.S.A. 2012 Supp. 21-6108, and amendments thereto;

24 (h) medicaid fraud, as described in K.S.A. 2012 Supp. 21-5925  
25 through 21-5934, and amendments thereto;

26 (i) an act or omission occurring outside this state, which would be a  
27 violation in the place of occurrence and would be described in this section  
28 if the act occurred in this state, whether or not it is prosecuted in any state;

29 (j) an act or omission committed in furtherance of any act or omission  
30 described in this section including any inchoate or preparatory offense,  
31 whether or not there is a prosecution or conviction related to the act or  
32 omission;

33 (k) any solicitation or conspiracy to commit any act or omission  
34 described in this section, whether or not there is a prosecution or  
35 conviction related to the act or omission;

36 (l) furtherance of terrorism or illegal use of weapons of mass

Ballroom Amendment #1  
HB 2081  
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only upon a conviction for  
such conduct or