

CALVIN H. HAYDEN
SHERIFF



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UNDERSHERIFF

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Testimony to the Senate Committee on Judiciary in Support of SB 46
February 6, 2019

Chairman Wilborn, Vice Chairman Rucker, Ranking Member Miller, and Committee Members,

The Johnson County Sheriff's Office asks for your support of SB 46. This bill was requested by the Sheriff's Office by one of our property detectives. It puts in place a procedure for returning stolen property to the legal owner. There is no such procedure in Kansas law.

In January of last year, a Johnson County resident had been the victim of several thefts over time for a total of more than \$1 million.¹ The property had been collected over a thirty-year period. It involved eighty different items. She noticed the missing property after not being able to locate a 4-karat diamond ring. The resident reported the thefts to the Johnson County Sheriff's Office.

The investigation by the property owner and the Sheriff's Office found many of her items at area pawn shops. The owner was startled to find that the pawn shops would not return her items to her. Instead, she was told she would have to purchase them if she wanted them. She was victimized again.

This is just one of many cases where a crime victim has located property that was stolen from them in a pawn shop and the pawn shop refuses to release their property to them. The problem is there is no Kansas law which requires a crime victim to repurchase their property. I went to several area pawn shops and asked them how they handle a situation where a person claims their property has been misappropriated and pawned. Every person I talked to said the exact same thing – "They have to buy it." That was the case if a person had paperwork that validated the claim as well. The pawn shop employees and owners I talked to stated the crime victim can ask a judge for restitution once their case goes to trial. When I asked why the pawn

¹ <https://fox4kc.com/2018/01/18/johnson-county-woman-working-to-recover-more-than-1-million-worth-of-stolen-jewelry/> Accessed Feb. 3, 2019

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shop couldn't return the property and ask a judge for restitution I was told it wasn't "cost effective." This is simply a policy of convenience for the pawn shops.

Our bill is modeled on Missouri law that provides a procedure for a crime victim to get their property back. I am familiar with the procedure. I was a Kansas City, Missouri Police Officer for several years and responded to calls of this nature. The procedure works and is fair to all involved. Page 2, lines 20 to 43 and page 3, lines 1-36 describe the procedure.

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