



# KANSAS JUSTICE INSTITUTE

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## Testimony to the Senate Committee on Transportation

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HB 2594: “AN ACT concerning motor vehicles; relating to vehicle identification numbers; exempting certain modifications on antique vehicles from vehicle identification number offense seizures and dispositions; amending K.S.A. 2021 Supp. 8-116 and repealing the existing section.”

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### Chairman and Members of the Committee:

The State of Kansas has spent years trying to destroy an innocent person’s dream car because of alleged VIN issues.<sup>1</sup>

CIVIL ASSET FORFEITURE

### Although the State of Kansas Admits This Guy Is Innocent, It Still Wants To Destroy His 1959 Corvette

Richard Martinez lost his dream car because of VIN-plate issues prosecutors admit he was “not aware of.”

Kansas Justice Institute<sup>2</sup> filed an *amicus* brief<sup>3</sup> in the ongoing case arguing, among other things, that the government has a legitimate interest in deterring vehicle fraud, but not at the expense of those who have been defrauded; and certainly not at the expense of those the government believes are—beyond question—innocent. The government has police powers sure enough, but it cannot wield those powers oppressively, unfairly, or arbitrarily, nor allow its agents to do the same—to do so violates due process of law.

The United States and Kansas Constitutions do not permit the government to acknowledge a person’s innocence, on the one hand, and then with the other, declare the innocent person’s property “contraband” and take it. If that were the standard, there would be few limits on the government’s ability to seize and destroy nearly anything it so desired.

Innocence matters—the government should not get to destroy a person’s car for a wrong they did not commit. That is unconstitutional.

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<sup>1</sup> Article available here: <https://reason.com/2021/10/18/although-the-state-of-kansas-admits-this-guy-is-innocent-it-still-wants-to-destroy-his-1959-corvette/>

See also Tim Carpenter, *Corvette seizure prompts House bill retooling VIN mandate for antique vehicles* *Kansas Reflector* (Feb. 21, 2022), available here: <https://kansasreflector.com/briefs/corvette-seizure-prompts-house-bill-altering-vin-mandate-for-antique-vehicles/>

<sup>2</sup> Kansas Justice Institute (KJI) is a non-profit, public-interest litigation firm committed to defending against government overreach and abuse. It is part of Kansas Policy Institute. KJI believes the government’s ability and propensity to seize and forfeit a person’s property without a criminal conviction poses a serious risk to our constitutional rights.

<sup>3</sup> Available here: <https://kansasjusticeinstitute.org/asset-forfeiture-corvette/>

Kansans *should* have robust protections from this kind of government overreach and abuse, and to that end, House Bill 2594 is an admirable start.

KJI supports the intent, purpose, and effect of HB 2594 but asks this Committee—respectfully—to consider amending the bill to specifically address the issues raised in the 1959 Corvette case. I will endeavor to provide language at or before the hearing on this bill.

Thank you for the opportunity to submit this testimony.