



Kansas Sheriffs' Association

PO Box 1122, Pittsburg, KS 66762

Phone: (620) 230-0864 ★ Fax: (620) 230-0866

Sheriff Sandy Horton, Ret., Executive Director

Sheriff John R. Fletcher, Ret., Deputy Director

www.kansassheriffs.org

Testimony to House Committee on Judiciary Opponent Testimony on HB 2606 February 13, 2024

Chairwoman Humphries and Committee Members,

KSA understands and appreciates all the work that has been done by the Judicial Council Subcommittee. KSA testified in the Special Committee on Civil Asset Forfeiture on areas of the subcommittee report that we agreed with and an area we did not agree with the subcommittee.

Law Enforcement is tasked with combating the scourge of illegal narcotics being manufactured and distributed in the State of Kansas. A key component to combating this ever-growing problem is seizing and forfeiting drug dealer's profits from this illegal act. Law Enforcement and District Attorney's/County Attorney's have done a good job evaluating the cases to file or not file and determining if the forfeiture is unconstitutionally excessive.

Over the years we have heard the same stories of a citizen being victimized by illegal forfeitures. When we have tried to pin down the facts of where the case happened and names, we have never received those facts to look up a court case to see what occurred. During this same time frame the stories grow without any concrete facts that are presented during testimony to allow anyone to investigate the facts presented as truth to determine if the story is factual in nature. With that said KSA would fully recognize that these kinds of instances need to be prevented, if they actually occurred, through legislation.

This bill is difficult due to many of the bill's amendments we agree with. However, in Sec. 8 (f) (2) pertaining to a claimant prevailing on the forfeiture and a judge ordering law enforcement to pay for the fees incurred including attorney fees, we are opposed to.

In current civil law, which asset forfeiture is civil law, we suggest that the word "may" be used at the direction of a presiding judge. The judge does have intimate knowledge of the case and should be allowed the discretion to make the order. KSA would also like to point out that this provision does not align with current civil law procedures.

KSA is not supportive of this bill as currently written.

Thank you for your consideration.

Jeff Easter
KSA Legislative Chair