

# Legislative Testimony

In Support of **HB2606**  
House Committee on Judiciary  
February 13th, 2024

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[WRITTEN ONLY]

Dear Chairman Humphries and Members of the Committee,

My name is Rashane Hamby and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonpartisan, non-profit organization with more than 35,000 supporters across Kansas that works to preserve and strengthen the civil rights and liberties of every person in our state. I am writing to express support for House Bill No. 2606

I write to express my support for House Bill 2606, which seeks to reform the current practices surrounding the seizure and forfeiture of property in drug-related offenses. This bill is a critical step towards safeguarding civil liberties and ensuring that the rights of individuals are protected against excessive and unjust governmental actions.

The existing asset seizure and forfeiture framework has long been criticized for its potential to violate the fundamental rights of due process and property ownership. By subjecting property to forfeiture without requiring a criminal conviction, and often based on mere suspicion, the current law places an undue burden on individuals, undermining the presumption of innocence and the right to a fair trial. This has disproportionately affected those least able to afford legal representation, leading to situations where individuals lose their property without sufficient recourse to justice.

HB 2606 introduces much-needed reforms by specifying offenses that do not lead to forfeiture, requiring a court determination to ensure forfeiture is not excessive, and raising the burden of proof for the state. These changes represent a more balanced approach that respects individual rights while allowing for the effective enforcement of drug laws.

Moreover, the provision for courts to order the payment of attorney fees and costs for certain claimants is a significant advancement in ensuring access to justice for all. This will help level the playing field for individuals challenging unjust seizures, making it more feasible for them to defend their property rights.

In conclusion, HB 2606 embodies the principles of fairness and justice that are foundational to our legal system. By supporting this bill, we can take a significant step towards protecting civil liberties and ensuring that the seizure and forfeiture practices are conducted in a manner that respects individual rights and due process. I urge you to vote in favor of HB 2606.

Rashane Hamby

Director of Policy and Research

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[www.aclukansas.org](http://www.aclukansas.org)  
913-490-4100  
Post Office Box 13048  
Overland Park, KS 66282

**ACLU**  
Kansas