



## **Testimony in Opposition to Senate Bill 458 House Committee on Judiciary**

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The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written testimony in opposition to Senate Bill 458, and we respectfully request the Committee consider our agency's position.

Several months ago, the Kansas Judicial Council, Civil Asset Forfeiture Advisory Committee, consisting of a multitude of stakeholders, studied the impact of the changes now contained in Senate Bill 458 and House Bill 2606. That Committee has since reported to the Legislature reasonable recommendations based upon their expert discussions, debates, and compromises. However, Senate Bill 458 contains provisions that were not recommended by the committee. While those additional provisions have caused us some concern, our chief opposition to the bill stems from addition of the prohibition on federal adoption of state and local forfeiture cases. The Judicial Council's advisory committee did not recommend this provision, and the reasoning is clear - there are consequences which would prove detrimental to the safety of the citizens of Kansas.

Small law enforcement agencies, of which Kansas has many, generally lack the resources and expertise needed to properly pursue professional criminal enterprises, particularly when viewed in comparison to the vast resources of the federal government. They routinely rely on their federal law enforcement partners to shoulder what can be extremely complex investigations spanning the United States and abroad. Even large agencies in Kansas greatly benefit from collaboration with federal law enforcement. Prohibiting federal adoption would force Kansas law enforcement to deplete precious time and funding on intricate cases better suited for federal capabilities rather than focus on quality police services in their own communities.

Asset forfeiture law is a highly specialized area, and unlike most state district court judges, federal judges routinely hear civil forfeiture cases. Federal prosecutors also have greater resources than most Kansas county or district attorneys, especially in less populated areas of the state where many civil forfeiture cases arise. Kansas prosecutors have limited time and very few have any forfeiture experience. Routing highly litigated cases currently handled by the federal government to our county and district attorneys would surely have unfavorable results. Moreover, county attorneys are offered first right of refusal on all Kansas civil forfeiture cases under current law and procedure, and only when they decline prosecution are those cases referred to a federal partner for federal litigation.

The KHP, along with many other law enforcement agencies across Kansas, participate in federal task forces and are deputized with certain federal authorities. These officers are crucial for ensuring effective cooperation between law enforcement agencies through the sharing of resources and information. Senate Bill 458 would prohibit these officers from engaging in asset forfeiture cases during their task force

assignment. Task force officers are a crucial tool for Kansas law enforcement, and this bill could jeopardize interagency partnerships at all levels of law enforcement.

Troopers in our agency and officers across the state regularly initiate criminal cases which, due to the circumstances of the crime, benefit from prosecution in a federal court by a United States Attorney. Should one of these cases also include a civil asset forfeiture component, we would be rendered incapable of referring the case to federal authorities because the bill prohibits the federal adoption of Kansas forfeiture cases. Crimes at the federal level often involve serious multi-state or international elements, so any measure that would bring about an adverse effect on the prosecution of such offenses hurts not only Kansas, but the nation.

Prohibiting federal adoption is both unnecessary and damaging to law enforcement's ability to handle more complex and important investigations, particularly when states are insisting the federal government do more, not less, about crimes with a nexus to border security such as drug trafficking and money laundering. While the KHP remains neutral on other portions of Senate Bill 458, we strongly oppose the federal adoption prohibition and thus recommend its removal from the bill. We sincerely thank members of this Committee for their consideration of our testimony.

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