

## HOUSE BILL No. 2497

By Representatives V. Miller, Probst, Carlin, Carmichael, Carr, Featherston, Haskins, Hougland, Martinez, Melton, Meyer, D. Miller, S. Miller, Neighbor, Poskin, S. Ruiz, Sawyer, Stogsdill, Woodard and Xu

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1 AN ACT concerning criminal procedure; relating to search warrants;  
2 providing that district magistrate judges do not have the power to issue  
3 search warrants; amending K.S.A. 22-2202, 22-2502, 22-2503, 22-  
4 2504, 22-2506 and 22-2512 and repealing the existing sections.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 22-2202 is hereby amended to read as follows: 22-  
8 2202. (a) "Absconds from supervision" means knowingly avoiding  
9 supervision or knowingly making the defendant's whereabouts unknown to  
10 the defendant's supervising court services officer or community  
11 correctional services officer.

12 (b) "Appellate court" means the supreme court or court of appeals,  
13 depending on the context in which the term is used and the respective  
14 jurisdiction of those courts over appeals in criminal cases, as provided in  
15 K.S.A. 22-3601, and amendments thereto.

16 (c) "Appearance bond" means an agreement, with or without security,  
17 entered into by a person in custody by which the person is bound to  
18 comply with the conditions specified in the agreement.

19 (d) "Arraignment" means the formal act of calling the defendant  
20 before a court having jurisdiction to impose sentence for the offense  
21 charged, informing the defendant of the offense with which the defendant  
22 is charged, and asking the defendant whether the defendant is guilty or not  
23 guilty.

24 (e) "Arrest" means the taking of a person into custody in order that  
25 the person may be forthcoming to answer for the commission of a crime.  
26 The giving of a notice to appear is not an arrest.

27 (f) "Bail" means the security given for the purpose of insuring  
28 compliance with the terms of an appearance bond.

29 (g) "Bind over" means require a defendant to appear and answer  
30 before a district judge having jurisdiction to try the defendant for the  
31 felony with which the defendant is charged.

32 (h) "Charge" means a written statement presented to a court accusing  
33 a person of the commission of a crime and includes a complaint,  
34 information or indictment.

1 (i) "Complaint" means a written statement under oath of the essential  
 2 facts constituting a crime, except that a citation or notice to appear issued  
 3 by a law enforcement officer pursuant to and in compliance with K.S.A. 8-  
 4 2106, and amendments thereto, or a citation or notice to appear issued  
 5 pursuant to and in compliance with K.S.A. 32-1049, and amendments  
 6 thereto, shall be deemed a valid complaint if it is signed by the law  
 7 enforcement officer.

8 (j) "Custody" means the restraint of a person pursuant to an arrest or  
 9 the order of a court or magistrate.

10 (k) "Detention" means the temporary restraint of a person by a law  
 11 enforcement officer.

12 (l) "Indictment" means a written statement, presented by a grand jury  
 13 to a court, which charges the commission of a crime.

14 (m) "Information" means a verified written statement signed by a  
 15 county attorney or other authorized representative of the state of Kansas  
 16 presented to a court, which charges the commission of a crime. An  
 17 information verified upon information and belief by the county attorney or  
 18 other authorized representative of the state of Kansas shall be sufficient.

19 (n) *"Judge" means an officer having power to issue a search warrant*  
 20 *and includes justices of the supreme court, judges of the court of appeals*  
 21 *and district judges as defined in K.S.A. 20-302, and amendments thereto.*  
 22 *"Judge" does not include district magistrate judges as defined in K.S.A.*  
 23 *20-302b, and amendments thereto.*

24 (o) "Law enforcement officer" means any person who by virtue of  
 25 office or public employment is vested by law with a duty to maintain  
 26 public order or to make arrests for violation of the laws of the state of  
 27 Kansas or ordinances of any municipality thereof or with a duty to  
 28 maintain or assert custody or supervision over persons accused or  
 29 convicted of crime, and includes court services officers, community  
 30 corrections officers, parole officers and directors, security personnel and  
 31 keepers of correctional institutions, jails or other institutions for the  
 32 detention of persons accused or convicted of crime, while acting within the  
 33 scope of their authority.

34 ~~(p)~~(p) "Magistrate" means an officer having power to issue a warrant  
 35 for the arrest of a person charged with a crime and includes justices of the  
 36 supreme court, judges of the court of appeals and judges of district courts.

37 ~~(q)~~(q) "Notice to appear" means a written request, issued by a law  
 38 enforcement officer, that a person appear before a designated court at a  
 39 stated time and place.

40 ~~(r)~~(r) "Preliminary examination" means a hearing before a magistrate  
 41 on a complaint or information to determine if a felony has been committed  
 42 and if there is probable cause to believe that the person charged committed  
 43 such felony.

1       (†)(s) "Prosecuting attorney" means any attorney who is authorized by  
 2 law to appear for and on behalf of the state of Kansas in a criminal case,  
 3 and includes the attorney general, an assistant attorney general, the county  
 4 or district attorney, an assistant county or district attorney and any special  
 5 prosecutor whose appearance is approved by the court. In the case of  
 6 prosecution for violation of a city ordinance, "prosecuting attorney" means  
 7 the city attorney or any assistant city attorney.

8       (†)(t) "Search warrant" means a written order made by a ~~magistrate~~  
 9 *judge* directed to a law enforcement officer commanding the officer to  
 10 search the premises described in the search warrant and to seize property  
 11 described or identified in the search warrant.

12       (†)(u) "Summons" means a written order issued by a magistrate  
 13 directing that a person appear before a designated court at a stated time  
 14 and place and answer to a charge pending against the person.

15       (†)(v) "Warrant" means a written order made by a magistrate directed  
 16 to any law enforcement officer commanding the officer to arrest the person  
 17 named or described in the warrant.

18       Sec. 2. K.S.A. 22-2502 is hereby amended to read as follows: 22-  
 19 2502. (a) A search warrant shall be issued only upon the oral or written  
 20 statement, including those conveyed or received by electronic  
 21 communication, of any person under oath or affirmation which states facts  
 22 sufficient to show probable cause that a crime has been, is being or is  
 23 about to be committed and which particularly describes a person, place or  
 24 means of conveyance to be searched and things to be seized. Any  
 25 statement which is made orally shall be either taken down by a certified  
 26 shorthand reporter, sworn to under oath and made part of the application  
 27 for a search warrant, or recorded before the ~~magistrate~~ *judge* from whom  
 28 the search warrant is requested and sworn to under oath. Any statement  
 29 orally made shall be reduced to writing as soon thereafter as possible. If  
 30 the ~~magistrate~~ *judge* is satisfied that grounds for the application exist or  
 31 that there is probable cause to believe that they exist, the ~~magistrate~~ *judge*  
 32 may issue a search warrant for:

33       (1) The search or seizure of the following:

34       (A) Anything that can be seized under the fourth amendment of the  
 35 United States constitution;

36       (B) anything which has been used in the commission of a crime, or  
 37 any contraband or any property which constitutes or may be considered a  
 38 part of the evidence, fruits or instrumentalities of a crime under the laws of  
 39 this state, any other state or of the United States. The term "fruits" as used  
 40 in this act shall be interpreted to include any property into which the thing  
 41 or things unlawfully taken or possessed may have been converted;

42       (C) any person who has been kidnapped in violation of the laws of  
 43 this state or who has been kidnapped in another jurisdiction and is now

1 concealed within this state;

2 (D) any human fetus or human corpse;

3 (E) any biological material, DNA, cellular material, blood, hair or  
4 fingerprints;

5 (F) any person for whom a valid felony arrest warrant has been issued  
6 in this state or in another jurisdiction; or

7 (G) (i) any information concerning the user of an electronic  
8 communication service; any information concerning the location of  
9 electronic communications systems, including, but not limited to, towers  
10 transmitting cellular signals involved in any wire communication; and any  
11 other information made through an electronic communications system; or

12 (ii) the jurisdiction granted in this paragraph shall extend to  
13 information held by entities registered to do business in the state of  
14 Kansas, submitting to the jurisdiction thereof, and entities primarily  
15 located outside the state of Kansas if the jurisdiction in which the entity is  
16 primarily located recognizes the authority of the ~~magistrate judge~~ to issue  
17 the search warrant; or

18 (2) the installation, maintenance and use of a tracking device.

19 (b) (1) The search warrant under subsection (a)(2) shall authorize the  
20 installation and use of the tracking device to track and collect tracking data  
21 relating to a person or property for a specified period of time, not to  
22 exceed 30 days from the date of the installation of the device.

23 (2) The search warrant under subsection (a)(2) may authorize the  
24 retrieval of the tracking data recorded by the tracking device during the  
25 specified period of time for authorized use of such tracking device within a  
26 reasonable time after the expiration of such warrant, for good cause  
27 shown.

28 (3) The ~~magistrate judge~~ may, for good cause shown, grant one or  
29 more extensions of a search warrant under subsection (a)(2) for the use of  
30 a tracking device, not to exceed 30 days each.

31 (c) Before ruling on a request for a search warrant, the ~~magistrate~~  
32 ~~judge~~ may require the affiant to appear personally and may examine under  
33 oath the affiant and any witnesses that the affiant may produce. Such  
34 proceeding shall be taken down by a certified shorthand reporter or  
35 recording equipment and made part of the application for a search warrant.

36 (d) For a warrant executed prior to July 1, 2014, affidavits or sworn  
37 testimony in support of the probable cause requirement of this section or  
38 search warrants for tracking devices shall not be made available for  
39 examination without a written order of the court, except that such  
40 affidavits or testimony when requested shall be made available to the  
41 defendant or the defendant's counsel for such disposition as either may  
42 desire.

43 (e) (1) For a warrant executed on or after July 1, 2014, affidavits or

1 sworn testimony in support of the probable cause requirement of this  
2 section or search warrants for tracking devices shall not be open to the  
3 public until the warrant has been executed. After the warrant has been  
4 executed, such affidavits or sworn testimony shall be made available to:

5 (A) The defendant or the defendant's counsel, when requested, for  
6 such disposition as either may desire; and

7 (B) any person, when requested, in accordance with the requirements  
8 of this subsection.

9 (2) Any person may request that affidavits or sworn testimony be  
10 disclosed by filing such request with the clerk of the court. The clerk of the  
11 court shall promptly notify the defendant or the defendant's counsel, the  
12 prosecutor and the ~~magistrate judge~~ that such request was filed. The  
13 prosecutor shall promptly notify any victim.

14 (3) Within five business days after receiving notice of a request for  
15 disclosure from the clerk of the court, the defendant or the defendant's  
16 counsel and the prosecutor may submit to the ~~magistrate judge~~, under seal,  
17 either:

18 (A) Proposed redactions, if any, to the affidavits or sworn testimony  
19 and the reasons supporting such proposed redactions; or

20 (B) a motion to seal the affidavits or sworn testimony and the reasons  
21 supporting such proposed seal.

22 (4) The ~~magistrate judge~~ shall review the requested affidavits or  
23 sworn testimony and any proposed redactions or motion to seal submitted  
24 by the defendant, the defendant's counsel or the prosecutor. The ~~magistrate~~  
25 *judge* shall make appropriate redactions, or seal the affidavits or sworn  
26 testimony, as necessary to prevent public disclosure of information that  
27 would:

28 (A) Jeopardize the physical, mental or emotional safety or well-being  
29 of a victim, witness, confidential source or undercover agent, or cause the  
30 destruction of evidence;

31 (B) reveal information obtained from a court-ordered wiretap or from  
32 a search warrant for a tracking device that has not expired;

33 (C) interfere with any prospective law enforcement action, criminal  
34 investigation or prosecution;

35 (D) reveal the identity of any confidential source or undercover agent;

36 (E) reveal confidential investigative techniques or procedures not  
37 known to the general public;

38 (F) endanger the life or physical safety of any person;

39 (G) reveal the name, address, telephone number or any other  
40 information which specifically and individually identifies the victim of any  
41 sexual offense described in article 35 of chapter 21 of the Kansas Statutes  
42 Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas  
43 Statutes Annotated or K.S.A. 21-6419 through 21-6422, and amendments

1 thereto;

2 (H) reveal the name of any minor;

3 (I) reveal any date of birth, personal or business telephone number,  
4 driver's license number, nondriver's identification number, social security  
5 number, employee identification number, taxpayer identification number,  
6 vehicle identification number or financial account information; or

7 (J) constitute a clearly unwarranted invasion of personal privacy. As  
8 used in this subparagraph, "clearly unwarranted invasion of personal  
9 privacy" means revealing information that would be highly offensive to a  
10 reasonable person and is totally unrelated to the alleged crime that resulted  
11 in the issuance of the search warrant, including information totally  
12 unrelated to the alleged crime that may pose a risk to a person or property  
13 and is not of legitimate concern to the public. The provisions of this  
14 subparagraph shall only be used to redact and shall not be used to seal  
15 affidavits or sworn testimony.

16 (5) Within five business days after receiving proposed redactions or a  
17 motion to seal from the defendant, the defendant's counsel or the  
18 prosecutor, or within 10 business days after receiving notice of a request  
19 for disclosure, whichever is earlier, the ~~magistrate~~ *judge* shall either:

20 (A) Order disclosure of the affidavits or sworn testimony with  
21 appropriate redactions, if any; or

22 (B) order the affidavits or sworn testimony sealed and not subject to  
23 public disclosure.

24 (6) (A) If the ~~magistrate~~ *judge* orders disclosure of the affidavits or  
25 sworn testimony with appropriate redactions, if any, to any person in  
26 accordance with the requirements of this subsection, then such affidavits  
27 or sworn testimony shall become part of the court record and shall be  
28 accessible to the public.

29 (B) If the ~~magistrate~~ *judge* orders the affidavits or sworn testimony  
30 sealed and not subject to public disclosure in accordance with the  
31 requirements of this subsection, then such affidavits or sworn testimony  
32 shall become part of the court record that is not accessible to the public.

33 (C) Any request for disclosure of affidavits or sworn testimony in  
34 accordance with the requirements of this subsection shall become part of  
35 the court record and shall be accessible to the public, regardless of whether  
36 the ~~magistrate~~ *judge* orders disclosure with appropriate redactions, if any,  
37 or sealing of the requested affidavit or sworn testimony.

38 (f) As used in this section:

39 (1) "Electronic communication" means the use of electronic  
40 equipment to send or transfer a copy of an original document;

41 (2) "electronic communication service" and "electronic  
42 communication system" ~~have the meaning~~ *mean the same* as defined in  
43 K.S.A. 22-2514, and amendments thereto;

1 (3) "tracking data" means information gathered or recorded by a  
2 tracking device;

3 (4) "tracking device" means an electronic or mechanical device that  
4 permits a person to remotely determine or track the position or movement  
5 of a person or object. "Tracking device" includes, but is not limited to, a  
6 device that stores geographic data for subsequent access or analysis and a  
7 device that allows for the real-time monitoring of movement; and

8 (5) "victim" ~~shall include~~ *includes* any victim of an alleged crime that  
9 resulted in the issuance of the search warrant, or, if the victim is deceased,  
10 the victim's family, as defined in K.S.A. 74-7335, and amendments  
11 thereto.

12 (g) Nothing in this section shall be construed as requiring a search  
13 warrant for cellular location information in an emergency situation  
14 pursuant to K.S.A. 22-4615, and amendments thereto.

15 Sec. 3. K.S.A. 22-2503 is hereby amended to read as follows: 22-  
16 2503. ~~(a) Except as provided in subsections (b) and (c), search warrants~~  
17 ~~issued by a district magistrate judge may be executed only within the~~  
18 ~~judicial district in which the judge resides or within the judicial district to~~  
19 ~~which the judge has been assigned pursuant to K.S.A. 20-319, and~~  
20 ~~amendments thereto.~~

21 ~~(b)~~ Search warrants issued pursuant to K.S.A. 22-2502(a)(2), and  
22 amendments thereto:

23 (1) ~~That are issued by a district judge~~ May be executed anywhere  
24 within the state; and

25 (2) shall be valid during the time period specified by the warrant  
26 regardless of whether the tracking device or the subject person or property  
27 leaves the issuing jurisdiction.

28 ~~(e)(b)~~ Warrants issued for electronically stored information,  
29 electronic devices or media capable of storing electronically stored  
30 information located within Kansas authorize the transfer of such  
31 information, devices or media for further examination and review to  
32 anywhere within the state of Kansas or outside the state of Kansas at any  
33 time after the seizure unless otherwise specified in the warrant. ~~The~~  
34 ~~provisions of this subsection shall apply prospectively to warrants issued~~  
35 ~~after July 1, 2019.~~

36 ~~(d)(c)~~ As used in this section, "tracking data" and "tracking device"  
37 ~~have mean~~ the same ~~meanings~~ as defined in K.S.A. 22-2502, and  
38 amendments thereto.

39 Sec. 4. K.S.A. 22-2504 is hereby amended to read as follows: 22-  
40 2504. All search warrants shall show the time and date of issuance and  
41 shall be the warrants of the ~~magistrate~~ ~~issuing the same judge~~ and not the  
42 warrants of the court in which ~~he such judge~~ is then sitting ~~and~~. Such  
43 warrants ~~need not~~ *are not required to* bear the seal of the court or clerk

1 thereof. ~~Such warrants~~ *and* may be transmitted by electronic  
2 communication, as defined in K.S.A. 22-2502, and amendments thereto.  
3 The statement on which the warrant is issued ~~need not~~ *is not required* to be  
4 filed with the clerk of the court ~~nor with~~ *or* the court if there is no clerk  
5 until the warrant has been executed or has been returned "not executed."

6 Sec. 5. K.S.A. 22-2506 is hereby amended to read as follows: 22-  
7 2506. (a) A search warrant shall be executed within 240 hours from the  
8 time of issuance. If the warrant is executed the duplicate copy shall be left  
9 with any person from whom any things are seized or if no person is  
10 available the copy shall be left at the place from which the things were  
11 seized. Any warrant not executed within such time shall be void and shall  
12 be returned to the court of the ~~magistrate issuing the same~~ *judge that*  
13 *issued the warrant* as "not executed."

14 (b) (1) A search warrant for a tracking device issued pursuant to  
15 K.S.A. 22-2502(a)(2), and amendments thereto, shall be sealed by the  
16 court and no copy left or served except as discovery in a criminal  
17 prosecution.

18 (2) The law enforcement officer executing a search warrant issued  
19 pursuant to K.S.A. 22-2502(a)(2), and amendments thereto, shall complete  
20 the installation of the tracking device within 15 days from the date of  
21 issuance. Such officer shall record on such warrant the exact date and time  
22 such tracking device was installed and the entire period during which such  
23 tracking device was used.

24 (3) (A) A tracking device shall be deactivated and removed as soon as  
25 practicable after the search warrant has expired. If removal of such  
26 tracking device is not possible, such tracking device shall be deactivated  
27 and shall not be reactivated without an additional warrant or extension of  
28 the original warrant and the search warrant return shall state the reasons  
29 removal has not been completed.

30 (B) A tracking device which has been deactivated may be accessed  
31 after the authorized warrant has expired solely for the purpose of  
32 collecting or retrieving tracking data obtained during the period specified  
33 by the search warrant.

34 (c) As used in this section:

35 (1) "Deactivate" means to discontinue the ability of a tracking device  
36 to determine or track the position or movement of a person or object; and

37 (2) "tracking data" and "tracking device" mean the same as defined in  
38 K.S.A. 22-2502, and amendments thereto.

39 Sec. 6. K.S.A. 22-2512 is hereby amended to read as follows: 22-  
40 2512. (a) Property seized under a search warrant or validly seized without  
41 a warrant shall be safely kept by the officer seizing ~~the same~~ *such property*  
42 unless otherwise directed by the ~~magistrate~~ *judge*, and shall be ~~so~~ kept as  
43 long as necessary for the purpose of being produced as evidence on any

1 trial. The property seized may not be taken from the officer having it in  
2 custody ~~so long as~~ if it is or may be required as evidence in any trial. The  
3 officer seizing the property shall give a receipt to the person detained or  
4 arrested particularly describing each article of property being held and  
5 shall file a copy of such receipt with the ~~magistrate~~ judge before whom the  
6 person detained or arrested is taken. Where seized property is no longer  
7 required as evidence in the prosecution of any indictment or information,  
8 the court ~~which has~~ having jurisdiction of such property may transfer ~~the~~  
9 ~~same such property~~ to the jurisdiction of any other court, including courts  
10 of another state or federal courts, ~~where~~ when it is shown to the  
11 satisfaction of the court that such property is required as evidence in any  
12 prosecution in such other court.

13 (b) (1) Notwithstanding the provisions of subsection (a) and with the  
14 approval of the affected court, any law enforcement officer who seizes  
15 hazardous materials as evidence related to a criminal investigation may  
16 collect representative samples of such hazardous materials, and lawfully  
17 destroy or dispose of, or direct another person to lawfully destroy or  
18 dispose of the remaining quantity of such hazardous materials.

19 (2) In any prosecution, representative samples of hazardous materials  
20 accompanied by photographs, videotapes, laboratory analysis reports or  
21 other means used to verify and document the identity and quantity of the  
22 material shall be deemed competent evidence of such hazardous materials  
23 and shall be admissible in any proceeding, hearing or trial as if such  
24 materials had been introduced as evidence.

25 (3) As used in this section, the term "hazardous materials" means any  
26 substance that is capable of posing an unreasonable risk to health, safety  
27 and property. "Hazardous materials" includes any substance that by its  
28 nature is explosive, flammable, corrosive, poisonous, radioactive, a  
29 biological hazard or a material that may cause spontaneous combustion.  
30 "Hazardous materials" includes, but is not limited to, substances listed in  
31 the table of hazardous materials contained in the code of federal  
32 regulations title 49 and national fire protection association's fire protection  
33 guide on hazardous materials.

34 (4) The provisions of this subsection shall not apply to ammunition  
35 and components thereof.

36 (c) When property seized is no longer required as evidence, it shall be  
37 disposed of as follows:

38 (1) Property stolen, embezzled, obtained by false pretenses, or  
39 otherwise obtained unlawfully from the rightful owner thereof shall be  
40 restored to the owner;

41 (2) money shall be restored to the owner unless it was contained in a  
42 slot machine or otherwise used in unlawful gambling or lotteries, in which  
43 case it shall be forfeited, and shall be paid to the state treasurer pursuant to

1 K.S.A. 20-2801, and amendments thereto;

2 (3) property that is unclaimed or the ownership of which is unknown  
3 shall be sold at public auction to be held by the sheriff and the proceeds,  
4 less the cost of sale and any storage charges incurred in preserving it, shall  
5 be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments  
6 thereto;

7 (4) articles of contraband shall be destroyed, except that any such  
8 articles the disposition of which is otherwise provided by law shall be  
9 dealt with as so provided and any such articles the disposition of which is  
10 not otherwise provided by law and which may be capable of innocent use  
11 may in the discretion of the court be sold and the proceeds disposed of as  
12 provided in subsection (c)(3);

13 (5) explosives, bombs and like devices that have been used in the  
14 commission of crime may be returned to the rightful owner, or in the  
15 discretion of the court having jurisdiction of the property, destroyed or  
16 forfeited to the Kansas bureau of investigation;

17 (6) (A) except as provided in subsections (c)(6)(B) and (d), any  
18 weapon or ammunition, in the discretion of the court having jurisdiction of  
19 the property, shall be forfeited to:

20 (i) The law enforcement agency seizing the weapon for use within  
21 such agency, for sale to a properly licensed federal firearms dealer, for  
22 trading to a properly licensed federal firearms dealer for other new or used  
23 firearms or accessories for use within such agency or for trading to another  
24 law enforcement agency for that agency's use;

25 (ii) the Kansas bureau of investigation for law enforcement, testing or  
26 comparison by the Kansas bureau of investigation forensic laboratory;

27 (iii) a county regional forensic science center or other county forensic  
28 laboratory for testing, comparison or other forensic science purposes; or

29 (iv) the Kansas department of wildlife and parks for use pursuant to  
30 the conditions set forth in K.S.A. 32-1047, and amendments thereto.

31 (B) Except as provided in subsection (d), any weapon that cannot be  
32 forfeited pursuant to subsection (c)(6)(A) due to the condition of the  
33 weapon, and any weapon which was used in the commission of a felony as  
34 described in K.S.A. 21-5401, 21-5402, 21-5403, 21-5404 or 21-5405, and  
35 amendments thereto, shall be destroyed.

36 (7) controlled substances forfeited for violations of K.S.A. 21-5701  
37 through 21-5717, and amendments thereto, shall be dealt with as provided  
38 under K.S.A. 60-4101 through 60-4126, and amendments thereto; *and*

39 (8) unless otherwise provided by law, all other property shall be  
40 disposed of in such manner as the court in its sound discretion shall direct.

41 (d) If a weapon is seized from an individual and the individual is not  
42 convicted of or adjudicated as a juvenile offender for the violation for  
43 which the weapon was seized, then within 30 days after the declination or

1 conclusion of prosecution of the case against the individual, including any  
2 period of appeal, the law enforcement agency that seized the weapon shall  
3 verify that the weapon is not stolen, and upon such verification shall notify  
4 the person from whom it was seized that the weapon may be retrieved.  
5 Such notification shall include the location where such weapon may be  
6 retrieved.

7 (e) If weapons are sold as authorized by subsection (c)(6)(A), the  
8 proceeds of the sale shall be credited to the asset seizure and forfeiture  
9 fund of the seizing agency.

10 (f) For purposes of this section, the term "weapon" means a weapon  
11 described in K.S.A. 21-6301, and amendments thereto.

12 Sec. 7. K.S.A. 22-2202, 22-2502, 22-2503, 22-2504, 22-2506 and 22-  
13 2512 are hereby repealed.

14 Sec. 8. This act shall take effect and be in force from and after its  
15 publication in the statute book.