



Kansas Bureau of Investigation

Tony Mattivi
Director

Kris W. Kobach
Attorney General

Testimony before the House Judiciary Committee
Opposition Testimony on HB 2380
Kansas Bureau of Investigation
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Chairman Patton and Members of the Committee:

My name is Robert Jacobs and I serve as the Executive Officer of the Kansas Bureau of Investigation (KBI). Thank you for the opportunity to provide written testimony in opposition of HB 2380. HB 2380 proposes changes to certain provisions of the Kansas standard asset seizure and forfeiture act under K.S.A 60-4104 through K.S.A. 60-4127. I would first like to provide an overview and summary of the statutory responsibility given to the KBI in 2018 through K.S.A. 60-4127 to establish and maintain the Kansas asset seizure and forfeiture repository (KASFR)¹

The KASFR collects information from law enforcement agencies regarding each seizure for forfeiture made by the seizing agency pursuant to the Kansas standard asset seizure and forfeiture act. Some of the information that is collected includes, but is not limited to: the name of the agency, county where the seizure occurred, a description of the initiating law enforcement activity leading to the seizure, the conduct giving rise to the forfeiture, a description and estimated value of the property seized, whether criminal charges were filed for an offense related to the forfeiture and if so the court and case number information for the criminal charges.

By February 1st each year, every law enforcement agency in Kansas must submit a report to the KBI to include the balance of the agency's state forfeiture fund (state agencies) or the balance of the special law enforcement trust fund (local law enforcement) on January 1 and December 31 of the preceding calendar year.

The KBI then determines if the law enforcement agency's forfeiture report substantially matches the agency's seizing report. Furthermore, the KBI is required to present an annual report to the legislature by April 15th each year of the law enforcement agencies who are not in compliance with the reporting requirements under K.S.A. 60-4127. The KBI chooses to provide additional seizure and forfeiture information, beyond reporting compliance, to the legislature in the annual report.

The KASFR began collecting data the second half of 2019. The KBI publishes an annual report of the number and seizures and forfeitures by law enforcement agencies in Kansas each year.

¹[Statute | Kansas State Legislature \(kslegislature.org\)](https://kslegislature.org)

Additionally, the KBI maintains a public facing website with access to KASFR data. The KASFR website is located at: [Kansas Asset Forfeiture Reporting \(ks.gov\)](https://kasfr.kbi.ks.gov).

The KBI published the first annual report from the KASFR on April 15, 2020. The report included those seizures and forfeitures that occurred during the second half of 2019; between July 1st and December 31st. The Annual Report form is a financial summary for each agency's three forfeiture fund accounts. The accounts include the state forfeiture fund, pending state forfeiture fund, and federal forfeiture fund. The state forfeiture fund is a law enforcement agency's account for currency and proceeds from the sale of forfeited property on completed state forfeiture cases. The pending state forfeiture fund is an agency's account for holding seized currency for which there has been no completed forfeiture action. The federal forfeiture fund account is a law enforcement agency's account that holds federally shared proceeds from the sale of property on completed forfeiture cases through federal court as part of the federal Equitable Sharing Program.

The following is a summary of the seizure and forfeiture activity in Kansas for 2019, 2020, and 2021.

In 2019, there were 387 active law enforcement agencies in Kansas. Of the 387 active agencies, 370 were compliant and 17 were non-compliant with reporting. Between July 1st and December 31st there were 274 incidents reported to the repository. A summary of the law enforcement seizure and forfeiture amounts include:

Total Seized Currency	\$2,764,919.08
Total Seized Property	\$590,064.00
Total Forfeited Currency	\$1,712,088.57
Total Forfeited Property	\$341,791.32

In 2019, 73% of the owners or possessors (who were in possession of the seized property at the time of the incident leading to seizure) of the property were arrested and 87% of those cases were forwarded to the prosecutor's office. Partial or full return of the property occurred in 13% of the cases².

On April 15, 2021, the KBI published the 2020 Civil Asset Forfeiture Report. The 2020 report included activity between January 1, 2020 and December 31, 2020.

In 2020, there were 384 active law enforcement agencies in Kansas. Of the 384 active agencies, 379 were compliant and 5 were non-compliant with reporting. Between January 1st and December 31st there were 389 incidents reported to the repository. A summary of the law enforcement seizure and forfeiture amounts include:

Total Seized Currency	\$5,131,376.47
Total Seized Property	\$1,130,029.00
Total Forfeited Currency	\$2,072,744.20
Total Forfeited Property	\$772,607.00

² <https://kasfr.kbi.ks.gov/2019>

In 2020, 72% of the owners or possessors of the property were arrested and 79% of the cases were forwarded to the prosecutor’s office. Partial or full return of the property occurred in 21% of the cases³.

In 2021, there were 377 active law enforcement agencies in the state. Of the 377 active agencies, 374 were compliant and 3 were non-compliant with reporting. Between January 1st and December 31st there were 564 incidents reported to the repository. A summary of the law enforcement seizure amounts is described below:

Total Seized Currency	\$4,981,451.63
Total Seized Property	\$1,684,433.06
Total Forfeited Currency	\$3,566,140.59
Total Forfeited Property	\$946,993.06

In 2021, 76% if the owners or possessors of the property were arrested and 82% of the cases were forwarded to the prosecutor’s office. Partial or full return of the property to the owner occurred in approximately 16% of the cases⁴.

The concept of asset seizure and forfeiture is to deter and prevent criminal activity by taking proceeds away from those conducting criminal enterprises. Asset forfeiture is a tool used by law enforcement to address illegal behavior. HB 2380 would diminish law enforcement’s ability to use that tool. Restricting criminal interests promotes public safety on state highways and within Kansas communities.

Asset Forfeiture occurs through a separate civil process, which is overseen through the judicial system. The court process for promulgating forfeiture is a balanced approach to address criminal activity while still protecting the rights of those individuals whose property has been seized and is subject to forfeiture.

Unfortunately, law enforcement struggles with funding at both the state and local level to accomplish many of the missions entrusted to them. Forfeiture revenue is used to supplement law enforcement operations and investigations, training, public safety and detention facilities, drug and gang awareness and education programs, and equipment. Transferring funds from asset forfeiture to the State General Fund (SGF) would require agencies to seek additional funding to offset the loss of forfeiture monies.

Asset forfeiture allows law enforcement to focus its efforts toward reducing on-going criminal activity to include the transportation and distribution of illegal narcotics, human trafficking, theft, and violent crime in Kansas.

The KBI would ask the committee to consider two small amendments to the language in K.S.A. 60-4127 (page 24 line 32 and page 25 line 7 of HB 2380). Each year the KBI struggles to contact and reconcile asset forfeiture with law enforcement agencies within the given time allowed per statute. K.S.A. 60-4127 states,

³ <https://kasfr.kbi.ks.gov/2020>

⁴ [2021 Legislative Report.pdf \(ks.gov\)](#)

“On March 1, 2020 and annually on March 1 thereafter, the Kansas bureau of investigation shall determine whether each agencies financial report matches the agency’s seizing report”.

The KBI would request a change in language to state “On *or before* March 1st” in an effort to allow the KBI time to contact and reconcile those agencies in which their financial report does not match their seizing report.

Additionally, since agencies who are non-compliant have 30 days to become compliant, (March 1- April 2) **the KBI would request extending the deadline for the KBI to provide the Kansas Legislature with an annual report from April 15th to April 30th.** This would allow the KBI additional time to get the non-compliant agencies back into compliance and provide the legislature with a more accurate picture of asset forfeiture in Kansas.

Thank you for your consideration of this testimony in your deliberation with HB 2380 and the impact of Asset Forfeiture in Kansas.

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