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## **Testimony to Special Committee on Civil Asset Forfeiture Opponent Testimony on HB 2380/Judicial Council Report December 6<sup>th</sup>, 2023**

Chairman Rep. Owens, Vice Chair Sen. Warren and Committee Members,

This testimony is on behalf of the Kansas Narcotics Officers Association and the Kansas Peace Officers Association, opposing HB 2380 and opposing in part the proposals of the Judicial Council Report.

After reviewing HB 2380, our associations had many concerns. But after reading the Judicial Council Civil Asset Forfeiture Committee's Report, some of our concerns have been eliminated or lessened. All the issues at hand are important, but the few outlined below come the forefront for us and our association members.

Asset forfeiture funds are a critical element in the continued fight on crime across our state. While drug offenses are at the top of the list for forfeiture, many other crimes allow for forfeiture as well, including human trafficking, sex trafficking and sex crimes against children. Putting a minimum monetary value on currency and property, could hinder the agents and officers tasked with investigating all these crimes. Much of our state is policed by small police and sheriff's offices, with limited budgets for investigations. Forfeiture funds are vital to these agencies to purchase the tools needed to further those investigations. A minimum on forfeitures could also impact the smaller agencies whose investigations may only involve a lower-level criminal in most minds, but to that community it's the biggest issue they are facing. Lastly, not all assets are as readily available as property in hand, vehicles, currency, illicit items, etc. Cash Apps, Green Dot cards and reloadable debit/gift cards and commonly used and accessing these funds require specialized training and equipment.

In addressing the topic of property waivers roadside or outside forfeiture proceedings, there are two areas to discuss. First, we agree that if the person has an interest in the property or can identify the person who has an interest, a waiver would be unacceptable. However, there are times when a person will distance themselves from illicit currency and property, claiming no knowledge of it or its owner. A waiver is commonly used in these instances since the person is claiming no ownership or stock in the property. A waiver disclaiming ownership wouldn't be out of place in my opinion, but we would recommend that assets still go through the proper forfeiture proceeding, even if the owner is unknown.

Lastly, I will address the topic of fee-shifting. Our position is to oppose this action, unless the forfeiture was done in bad faith. All forfeitures should be evaluated at the agency level before being submitted to counsel for review. My belief is they are then stringently reviewed by counsel before being filed for forfeiture. If the forfeiture is done in good faith, the requesting agency and counsel should not have to worry whether they are going to be asked to pay legal fees if the forfeiture was denied. This could have an adverse affect on good, solid cases not being subjected to forfeiture in fear of having to pay if not found favorable.

On behalf of the Kansas Narcotics Officers Association and the Kansas Peace Officers Association, we thank you for your time and consideration in allowing us to present our testimony to you.

Lieutenant Jason Thompson  
Newton Police Department  
Kansas Narcotics Officers Association- 1<sup>st</sup> Vice-President