

## MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On March 12, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Geraldine Flaharty - Excused  
Representative Andrew Howell - Excused  
Representative Rick Rehorn - Excused  
Representative Daniel Williams - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department  
Jill Wolters, Revisor of Statutes Office  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative Ralph Tanner  
Rich Hayse, Kansas Bar Association  
Kyle Smith, Kansas Bureau of Investigation  
Tony Cruz, Assistant Geary County Attorney  
Dan Dunbar, Assistant Douglas County Attorney  
Captain David Burger, Kansas Peace Officers Association  
Sheriff John Foster, Kansas Sheriffs Association

Hearings on **HB 2405 - asset seizure & forfeiture**, were opened.

Representative Ralph Tanner appeared as the sponsor of the proposed bill. He explained that forfeiture was an attempt to deal with drug abuse & trafficking. He is concerned about the seizures and the items that are bought with the profits. He also believes that forfeiture violates due process. (Attachment 1)

Rich Hayse, Kansas Bar Association, commented that the bill attempts to address the problems with the current forfeiture statutes which are not requiring a conviction for forfeiture and turning property over to federal government to skirt Kansas law. (Attachment 2)

Kyle Smith, Kansas Bureau of Investigation, appeared as an opponent of the bill. He stated that the courts have never ruled forfeiture unconstitutional. Legislative Post Audit did an audit last year that concluded law enforcement agencies have not misused funds or property of seized items. Public safety is important and the KBI has had budget cuts for the past two years along with no increase in this years budget and it's hard to find money to purchase additional items that law enforcement needs without budget increases. About half of the profits from seizures have gone to buy computers and the rest has been used for cameras, vest and guns. (Attachment 3)

Tony Cruz, Assistant Geary County Attorney, commented that this bill is a way to help fund education and that it is not the correct way to go about funding such an important public need. The dollar amount from forfeited items would not be dependable or a consistent amount to count on. (Attachment 4)

Dan Dunbar, Assistant Douglas County Attorney, informed the committee that the most troubling part of the bill would be the loss of revenue to law enforcement. KBI uses the money to send agents to meth lab schools for training. (Attachment 5)

Captain David Burger, Kansas Peace Officers Association, told the committee that the monies have been used for body armor, equipment & materials for DARE program, K-9 unit equipment and support, computers and high tech equipment. (Attachment 6)

Sheriff John Foster, Kansas Sheriffs Association, stated that law enforcement does not profit from seizures and forfeitures the people of Kansas do. (Attachment 7)

Kansas Highway Patrol did not appear before the committee but requested their written testimony in opposition of the bill be included in the minutes. (Attachment 8)

Hearings on **HB 2405** were closed.

The committee meeting adjourned at 4:45 p.m. The next meeting is scheduled for March 13, 2001.