

To: Senate Judiciary Committee

From: Amanda L. Stanley, General Counsel

Date: March 14, 2018

RE: Support for HB 2459

I want to thank Chairman Wilborn and the Committee members for allowing the League of Kansas Municipalities the opportunity to provide testimony in support of HB 2459.

The League and its members believe it is the duty of government to reduce crime and provide for the health and safety of the public. One of the tools used by law enforcement agencies across the state is the Kansas standard asset seizure and forfeiture act (Act). While this is a valuable law enforcement tool, our members are cognizant of the fact it was time for the Act to be thoroughly examined for areas for improvement.

After serving on the civil asset forfeiture advisory committee, I stand in support of the legislation crafted. This legislation establishes a centralized repository for asset seizure and forfeiture reporting, clarifies guidelines for law enforcement agencies' tracking and use of forfeiture proceeds, and provides several amendments to the Act designed to increase access to justice and make it easier for claimants to have their claims heard.

One of the best pieces of advice I have received is when negotiating between two parties with an ongoing relationship, often, the best deal, is the one when both sides leave a little unhappy. HB 2459 is an attempt to find middle ground. It seeks to collect objective data so important policy decisions on the future of civil asset forfeiture can be made not on anecdotal evidence but actual Kansas data. Neither side thinks this bill is the perfect solution; however, that does not mean it is not a good bill. It just means it is a compromise. Our members have concerns about the reporting requirements becoming overly burdensome without demonstrable benefit; however, they also recognize there are legitimate public policy reasons to support increased reporting. We have faith that through rules and regulations the appropriate balance can be struck. Additionally, we also see value in the amendment added by the House to add teeth to the enforcement provision. The House amendment is a reasonable solution to ensure accurate reporting while still allowing time to cure accidental reporting errors.

We respectfully request this Committee pass HB 2459 to the full Senate for its consideration without amendment.