

January 20, 2017

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2018 by Representative Finney

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2018 is respectfully submitted to your committee.

Under the Kansas Standard Asset Seizure and Forfeiture Act, certain conduct and offenses give rise to forfeiture whether or not there is a prosecution or conviction related to the offense. HB 2018 provides that the conduct and offenses listed in KSA 60-4104 would give rise to forfeiture only after a conviction related to the offense.

The Office of Judicial Administration indicates that HB 2018 could result in fewer civil forfeiture cases being filed in court and a reduction in asset forfeiture revenue for law enforcement agencies, but an estimate of the fiscal effect on the Judicial Branch and law enforcement agencies cannot be determined.

The League of Kansas Municipalities and the Kansas Association of Counties both indicate the enactment of HB 2018 would decrease revenues to local governments and law enforcement agencies, but an estimate cannot be determined. Since current law prohibits proceeds from such forfeitures to be considered a source of revenue for meeting normal operating costs the Kansas Association of Counties indicates any decrease would not affect operations, but would reduce the amount of available funds needed in special circumstances.

The Adjutant General and the Office of the Attorney General both indicate negligible revenues are receipted through state civil forfeiture actions; as a result, any fiscal effect that may result with the enactment of HB 2018 would be negligible. The Kansas Bureau of Investigation is unable to estimate a fiscal effect of HB 2018. The Kansas Highway Patrol indicates it would be required to store and provide safekeeping of property seized until there is a conviction in a

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January 20, 2017

Page 2—HB 2018

case, but estimates no fiscal effect as a result of the provisions in the bill. The Department of Corrections indicates the bill would have no fiscal effect on the Department or state correctional facilities. Any fiscal effect associated with HB 2018 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary
Willie Prescott, Attorney General's Office
Shelia Sawyer-Tyler, KBI
Kim Torrey, Highway Patrol
Brianna Landon, Corrections
Cheri Froetschner, Adjutant General's Office
Brock Ingmire, League of Municipalities
Melissa Wangemann, Association of Counties