

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2681

As Recommended by House Committee on
Federal and State Affairs

Brief*

HB 2681 would amend provisions for the disposal of property used in certain unlawful activities to specify that when such property is a firearm or ammunition, the court would be required to order such property is disposed of in accordance with the Kansas Code of Criminal Procedure (Code).

Proceeds of any sale of such property would be applied as required by the Code. In continuing law, the priority of payment includes payment for fees, costs, and civil penalties and fines, with any remaining funds going to the owner of the property.

Unlawful Wildlife Activities

The bill would make similar amendments to law concerning unlawful activities involving wildlife to specify such property should be disposed of pursuant to the Code and require that seized firearms or ammunition in connection with those activities be sold and the proceeds remitted to the State Treasurer to be deposited to the credit of the Wildlife Fee Fund.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Kansas Standard Asset Seizure and Forfeiture Act

The bill would amend the Kansas Standard Asset Seizure and Forfeiture Act (Act) to specify when firearms or ammunition are forfeited under the Act, such property should be disposed of pursuant to the Code and require that proceeds of the sale of such property be distributed in accordance with the Act.

Technical and Conforming Amendments

The bill would make a technical amendment to remove an outdated reporting requirement under the Act. The bill would also make changes throughout the bill to ensure consistency in statutory phrasing.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Owens.

House Committee on Federal and State Affairs

In the House Committee hearing, a representative of the Kansas State Rifle Association testified as a **proponent**, stating the bill would ensure firearms not used in certain violent crimes would be resold rather than destroyed.

Representatives of the National Rifle Association and Kansas Rifle Association provided written proponent testimony.

Written neutral testimony was provided by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration, Kansas Bureau of Investigation, and Kansas Highway Patrol indicate enactment of the bill would have no fiscal effect.

Firearms; ammunition; disposal; unlawful activity