

February 22, 2019

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

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2193 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2193 is respectfully submitted to your committee.

HB 2193 would amend the Kansas Standard Asset Seizure and Forfeiture Act to provide that when a person from whose possession or control property was seized under this Act is charged with a criminal offense related to the conduct or offense giving rise to forfeiture under this Act, and the person is either acquitted of the criminal charge or the criminal charge is dismissed, the property seized would be returned to the person in the same condition as when it was seized.

The Office of Judicial Administration indicates enactment of HB 2193 would have a negligible fiscal effect on the operations of the Judicial Branch.

The Office of the Attorney General indicates enactment of HB 2193 would have a negligible fiscal effect on agency operations.

The Kansas Highway Patrol indicates enactment of HB 2193 would not allow the agency to go forward with a civil case, if a criminal case is pending and the agency would be required to maintain the seized property. For a worst-case scenario, the agency indicates it could be holding property for years, until all appeals have been exhausted. The agency states it would need to store the seized property, which could result in space and funding issues. The Patrol indicates if it had to store a vehicle, then the agency would have to perform regular maintenance and store the vehicle out of the weather, or the agency states it could be liable for damage. Any fiscal effect associated with HB 2193 is not reflected in *The FY 2020 Governor's Budget Report*.

Both the Kansas Association of Counties and the League of Kansas Municipalities indicate that local governments may currently pursue civil forfeiture cases regardless of the outcome of a criminal case. Local governments could experience a decrease in federal forfeiture revenues if a criminal case is dismissed or if the person is acquitted. However, a fiscal effect on local governments cannot be estimated because it is unknown how many cases enactment of HB 2193 would affect.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with the first name "L." and last name "Campbell" clearly visible.

Larry L. Campbell
Director of the Budget

cc: Janie Harris, Judiciary
Jay Hall, Association of Counties
Willie Prescott, Office of the Attorney General
Sherry Macke, Highway Patrol
Paul Weisgerber, KBI
Chardae Caine, League of Municipalities