



Testimony in Support of House Bill 2640

Before the House Committee on Judiciary, Kansas Legislature

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Thank you, Chair Patton and members of the House Committee on Judiciary for allowing me to testify today in support of House Bill 2640. As mentioned earlier today, many innocent Kansans are negatively impacted by the practice of civil asset forfeiture each year and a substantial portion of them are never convicted or even charged with a crime.¹ It is concerning that so many property owners have their property seized by the government without clear proof of wrongdoing and then must prove the property – not the person using the property - is innocent of any crime. This legal mechanism flips the principles of “innocent until proven guilty” on its head and creates negative financial incentives for law enforcement agencies that should be fully funded by taxpayers as a core government function.

Americans for Prosperity is supportive of both House Bill 2648 and House Bill 2640 because each will improve the procedures that apply to this concerning legal mechanism in its own way. Below is a partial comparison of the bills for your consideration but I am more than willing to provide a more detailed comparison upon request. Each has unique strengths from a policy perspective, and we urge you to advance both proposals for full consideration by the House.

HB 2468	HB 2460
Requires a <i>criminal</i> conviction before law enforcement can pursue <i>civil</i> forfeiture of seized property.	Requires law enforcement to forfeit any property seized through the <i>criminal</i> court system and completely ends the civil forfeiture process.
Contains no property value ceiling.	Applies reforms to property with a value less than \$100,000. Completely bars the seizure or forfeiture of any homestead, \$200 or less in cash, or a vehicle worth less than \$2,000.
Maintains current protections for additional owners or interest holders.	Provides new protections for any additional owners or interest holders of property with the opportunity for a separate hearing.

¹ Kansas Bureau of Investigation, 2019-2021 Excel Files - Kansas Asset Seizure and Forfeiture Repository, Kansas Bureau of Investigation (2022), available at <https://kasfr.kbi.ks.gov/res/p/download/> (The percentage of cases not resulting in a conviction or criminal charges vary based on year – 54% in 2018, 46% in 2019, and 44% in 2020.).

Statutorily clarifies how Kansas courts should apply the U.S. Supreme Court ruling in <i>Timbs v. Indiana</i> .	Statutorily clarifies how Kansas courts should apply the U.S. Supreme Court ruling in <i>Timbs v. Indiana</i> .
Redirects all forfeiture proceeds to the state's general fund.	Maintains current allocation of forfeiture proceeds.

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