

**REVISED**  
**SESSION OF 2011**

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2010**

As Recommended by House Committee on  
Judiciary

**Brief\***

HB 2010 would add the following crimes to the list of conduct and offenses giving rise to civil forfeiture pursuant to the Kansas Asset Seizure and Forfeiture Act:

- KSA 9-2012, embezzlement;
- 2010 Session Laws ch. 136, sec. 52, mistreatment of a dependent adult;
- 2010 Session Laws ch. 136, sec. 107, giving a worthless check;
- 2010 Session Laws ch. 136, sec. 109, forgery;
- 2010 Session Laws ch. 136, sec. 110, making false information;
- 2010 Session Laws ch. 136, sec. 114, criminal use of a financial card;
- 2010 Session Laws ch. 136, sec. 125, unlawful acts concerning computers; and
- 2010 Session Laws ch. 136, sec. 177, identity theft and fraud.

2010 Session Laws ch. 136 recodifies the Kansas Criminal Code and will go into effect July 1, 2011. It also

---

\*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>

would remove theft of livestock from the list. Theft, as defined in 2010 Session Laws ch. 136, sec. 87, would remain on the list. The bill also would make technical amendments.

### **Background**

The Asset Seizure and Forfeiture Act allows a plaintiff's attorney to file a civil action to seize property of an individual or individuals who are involved in unlawful conduct or offenses. No criminal proceeding is necessary for a plaintiff to bring an action. The Act provides for the disposition of the forfeited property and the use of the proceeds of the sale of the property. HB 2010 would add to the list of conduct and offenses giving rise to civil forfeiture.

In the House Committee on Judiciary, the Committee heard testimony in support of the bill from Stephen Howe, Tenth Judicial District Attorney, and a representative of the Kansas Office of the Securities Commissioner. The Committee also received written testimony in support of the bill from the Kansas Association of Chiefs of Police, Kansas Sheriff's Association, and the Kansas Peace Officer's Association. No opponents were present at the hearing.

The fiscal note indicates enactment of HB 2010 would have no fiscal effect.