

SESSION OF 2011

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2010**

As Agreed to May 4, 2011

Brief*

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

- Embezzlement;
- Mistreatment of a dependent adult;
- Giving a worthless check;
- Forgery;
- Making false information;
- Criminal use of a financial card;
- Unlawful acts concerning computers;
- Identity theft and fraud; and
- Electronic solicitation.

The bill would remove theft of livestock from the list; however, theft as defined in 2010 Session Laws ch. 136, sec. 87, would remain on the list.

* Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Conference Committee Action

The Conference Committee agreed to remove the provisions of SB 217, concerning the payment of costs incurred in association with a *habeus corpus* petition brought by a person committed as a sexually violent predator, due to concerns that it violated the single subject rule. It also agreed to remove the provisions of SB 74, concerning additional offenses that would give rise to civil forfeiture, with the exception of the crime of electronic solicitation.

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 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 Sheriffs Association, and the Kansas Peace Officer's Association. No opponents were present at the hearing.

The Senate Committee of the Whole amended the bill by adding the provisions of SB 74, concerning additional offenses that would give rise to civil forfeiture, and SB 217, with amendments proposed by the Attorney General's Office, concerning the payment of costs incurred in association with a *habeus corpus* petition brought by a person committed as a sexually violent predator.

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

Civil Forfeiture