

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 74

As Amended by Senate Committee on
Judiciary

Brief*

SB 74 would amend KSA 2010 Supp. 60-4104 to add the following crimes to the list of offenses giving rise to civil forfeiture under the Kansas Standard Asset Seizure and Forfeiture Act:

- Electronic solicitation;
- Sexual exploitation of a child;
- Rape;
- Indecent liberties with a child;
- Aggravated indecent liberties with a child;
- Criminal sodomy (involving a child between 14 and 16 years of age);
- Aggravated criminal sodomy;
- Indecent solicitation of a child;
- Aggravated indecent solicitation of a child; and
- Unlawful voluntary sexual relations.

The bill also would make technical changes to reflect the recodification of the criminal code passed by the 2010 Legislature.

Background

Under the Kansas Standard Asset Seizure and Forfeiture Act, KSA 60-4101, *et seq.*, property used to

*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>

facilitate the commission of certain crimes and property acquired through the commission of or with the proceeds from certain crimes may be seized by law enforcement and forfeited through a civil proceeding.

Kansas Attorney General Derek Schmidt requested the Senate Judiciary Committee introduce SB 74. As introduced, the bill would have added electronic solicitation and sexual exploitation of a child to the list of forfeiture offenses.

In the Senate Judiciary Committee, Attorney General Schmidt and another representative of his office appeared in support of SB 74, explaining the bill would provide additional tools for law enforcement to use against the perpetrators of these crimes. A representative of the Office of the Securities Commissioner spoke in favor of the bill and asked the Committee to amend the bill to include violations of the Kansas Uniform Securities Act as covered forfeiture offenses and create a securities fraud prosecution revolving fund for his office.

The Kansas Association of Chiefs of Police, Kansas Sheriffs Association, Kansas Peace Officers Association, and Kansas County and District Attorneys Association (KCDAA) submitted written testimony supporting the bill. The KCDAA requested the Committee consider amending the bill to add eight additional offenses as forfeiture offenses. No opponents provided testimony.

The Committee amended the bill to include eight offenses requested by the KCDAA: rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy (involving a child between 14 and 16 years of age), aggravated criminal sodomy, indecent solicitation of a child, aggravated indecent solicitation of a child, and unlawful voluntary sexual relations. The Committee recommended the bill be passed as amended.

The fiscal note on the bill, as introduced, states the bill would have the potential to increase litigation, in which case

the Office of Judicial Administration indicates there would be a fiscal effect on the court system. However, a precise fiscal effect cannot be determined, and any fiscal effect most likely would be accommodated within the existing court schedule, requiring no additional resources. Any fiscal effect is not reflected in *The FY 2012 Governor's Budget Report*. There is no fiscal note for the bill as amended.