

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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To: House Committee on Appropriations

From: Dylan Dear, Managing Fiscal Analyst

Re: Claim #6735 - Barbara Reese - Joint Committee on Special Claims Against the State

Ms. Barbara Reese filed a claim against the Kansas Highway Patrol (KHP) due to seizure of cash in the amount of \$17,660 in September of 2015. Ms. Reese said her car was being driven by an acquaintance in August 1995 when the vehicle was stopped by a Highway Patrol Officer who observed the vehicle being driven in an unsafe manner. According to Ms. Reese, the Officer searched her person and her vehicle, finding \$15,000 in a suitcase in the car. The Officer took possession of the suitcase as well as \$2,000 Ms. Reese was carrying in her pocket. KHP records indicate the amount was \$14,936 and does not include the amount Ms. Reese states was on her person.

After the arrest, the Drug Enforcement Agency initiated a civil forfeiture proceeding against Ms. Reese for the funds. The forfeiture proceeding was based on a substantial but undefined number of "food stamps" in the vehicle. Kansas typically receives 20% of net forfeiture proceeds when the federal government assumes jurisdiction over a criminal case. Ms. Reese was jailed for several days on suspicion of fraud but never charged for a crime in relation to this matter.

In January 1996, a Wyandotte County District Judge ordered KHP to return \$15,660 to Ms. Reese. A subsequent letter (Nov. 1998) from the same judge states the money seized by KHP was turned over to the federal government, which provided her notice of that fact. KHP did not have possession of the money when the judge's initial order was issued. The Judge stated her recourse was to seek return of the money from the federal government.

When the Joint Committee on special claims heard the claim, Ms. Reese did not appear for the hearing. Based on the amount of time elapsed since the original incident, the lack of an appearance by Ms. Reese, and the order by the Judge directing Ms. Reese to file a claim against the Federal Government the Committee denied the claim without prejudice. Under this procedure a claimant can refile the claim to be reheard without providing any new or additional evidence. Ms. Reese did not refile with the Joint Committee.

Ms. Reese's claims have subsequently been amended into appropriations bills twice and stricken twice.