

2018 Kansas Statutes

22-4807a. Forfeiture of property used in theft of livestock. (a) The following property is subject to forfeiture pursuant to this act:

- (1) Contraband property used or intended to be used in the commission of theft of livestock;
 - (2) the proceeds gained from the commission of theft of livestock;
 - (3) personal property acquired with proceeds gained from the commission of theft of livestock;
 - (4) all conveyances, including aircraft, vehicles, vessels, horses or dogs which are used or intended for the use to transport or in any manner to facilitate the transportation for the purpose of the commission of theft of livestock. No conveyance used by any person as a common carrier in the transportation of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act. No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owners thereof to have been committed or omitted without the owners knowledge or consent. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party or parties;
 - (5) all books, records and research products and materials including microfilm, tapes and data which are used or intended for the use in the theft of livestock;
 - (6) everything of value furnished, or intended to be furnished or traded or used as payment or invested for anything of value but shall not include real property. It may be presumed that this property was acquired with proceeds gained from the commission of theft of livestock and are subject to forfeiture.
- (b) Property which is used in the commission of theft of livestock which has title of ownership with two parties on the title or a cosigner is subject to forfeiture, if one party on the title uses the property in the commission of theft of livestock or receives titled property as the proceeds of such felony even if the second party claims that such second party did not have knowledge or involvement in such felony.
- (c) As used in this act: (1) "Contraband property" means property of any nature including personal, tangible or intangible but shall not include real property.
- (2) "Livestock" means cattle, swine, sheep, goats, horses, mules, domesticated deer and all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas, and any carcass, skin or part of such animal.
- (3) "Theft of livestock" means theft which is classified as a felony violation, pursuant to K.S.A. 2018 Supp. 21-5801, and amendments thereto, in which the property taken was livestock.
- (4) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for breeding stock; for any carcass, skin or part of such animal; for exhibition; or for companionship.

History: L. 1992, ch. 289, § 1; L. 1993, ch. 143, § 3; L. 1994, ch. 79, § 2; L. 2011, ch. 30, § 143; July 1.