

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: Senate Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: January 31, 2022  
Subject: Bill Brief for SB 367

Senate Bill 367 requires officers to file copies of receipts with the court when property is seized under a search warrant and provides requirements and procedures for destruction or disposition of dangerous drugs and return or disposition of weapons.

The bill amends K.S.A. 22-2512, part of the Kansas code of criminal procedure that governs custody and disposition of property seized by law enforcement under a search warrant or validly seized without a warrant. Current law in subsection (a) requires the officer seizing the property to safely keep the property until it is no longer required as evidence. The bill adds provisions that if criminal charges are not filed, the property must be returned to its rightful owner or disposed of in accordance with this section. In addition, after seizure of property pursuant to a search warrant, the officer who seized the property must file a copy of the receipt describing the property with the magistrate who issued the warrant.

The bill amends subsection (b) to add “dangerous drugs” to the requirements relating to disposal or destruction of hazardous materials seized after representative samples are preserved. The bill also defines “dangerous drugs” and “representative sample” in subsection (b)(3).

The bill adds requirements in subsection (d)(1) for weapons that are seized to provide that if the weapon was stolen or seized from someone who is not the rightful owner, the law enforcement agency must notify the owner of the weapon that the owner can retrieve such weapon from the agency. If the weapon has been seized from a juvenile, the law enforcement agency must notify the juvenile’s parent or legal guardian that the weapon can be retrieved.

Finally, the bill adds a new subsection (d)(2) to provide that if the law enforcement agency determines the rightful owner of the weapon is prohibited from possessing the weapon, the agency must notify the individual that the weapon is not being kept for the case but will not be returned due to the disqualifying law. After this notice is given, the law enforcement agency must wait 60 days before disposing of the weapon to allow time for the individual to challenge the agency's determination in court. Language is also added that allows an owner prohibited from possessing the weapon to either request the law enforcement agency to transfer the weapon to a properly licensed federal firearms or bring an action in an appropriate court to request a court order to transfer the weapon as allowed by law.