

2018 Kansas Statutes

60-4127. Kansas asset seizure and forfeiture repository; Kansas bureau of investigation, powers and duties; reports by seizing agency; financial reports, compliance. (a) On or before July 1, 2019, the Kansas bureau of investigation shall establish the Kansas asset seizure and forfeiture repository. The repository shall gather information concerning each seizure for forfeiture made by a seizing agency pursuant to the Kansas standard asset seizure and forfeiture act including, but not limited to, the following:

- (1) The name of the seizing agency or the name of the lead agency if part of a multi-jurisdictional task force;
- (2) the county where the seizure occurred;
- (3) the date and time the seizure occurred;
- (4) any applicable agency or district court case numbers for the seizure;
- (5) a description of the initiating law enforcement activity leading to the seizure;
- (6) a description of the specific location where the seizure occurred;
- (7) the conduct or offense giving rise to the forfeiture;
- (8) a description of the type of property seized and the estimated value;
- (9) a description of the type of contraband seized and the estimated value;
- (10) whether criminal charges were filed for an offense related to the forfeiture and, if so, court and case number information for the criminal charges;
- (11) a description of the final disposition of the forfeiture action, including a description of the disposition of any claim or exemption asserted under this act;
- (12) whether the forfeiture was transferred to the federal government for disposition;
- (13) the total cost of the forfeiture action, including attorney fees; and
- (14) the total amount of proceeds from the forfeiture action, specifying the amount received by the seizing agency and the amount received by any other agency or person.

(b) On and after July 1, 2019, the Kansas bureau of investigation shall maintain the repository and an associated public website. On or before July 1, 2019, the Kansas bureau of investigation shall promulgate rules and regulations to implement this section.

(c) On and after July 1, 2019, each seizing agency shall report information concerning each seizure for forfeiture to the Kansas asset seizure and forfeiture repository as required by this section and the rules and regulations promulgated pursuant to this section. The prosecuting attorney shall submit information concerning each forfeiture action to the seizing agency within 30 days after the final disposition of the forfeiture. The seizing agency shall submit the required information to the repository within 60 days after the final disposition of the forfeiture.

(d) On or before February 1, 2020, and annually on or before February 1 thereafter, each law enforcement agency shall compile and submit a forfeiture fund report to the Kansas asset seizure and forfeiture repository as required by this section and the rules and regulations promulgated pursuant to this section.

(1) If the law enforcement agency is a state agency, the report shall include, but not be limited to:

(A) The agency's state forfeiture fund balance on January 1 and December 31 of the preceding calendar year; and

(B) the total amount of the deposits and a listing, by category, of expenditures from January 1 through December 31 of the preceding calendar year.

(2) If the law enforcement agency is a city or county agency, the report shall include, but not be limited to:

(A) The agency's special law enforcement trust fund balance on January 1 and December 31 of the preceding calendar year; and

(B) the total amount of the deposits and a listing, by category, of expenditures from January 1 through December 31 of the preceding calendar year.

(3) The report shall separate and account for:

(A) Deposits and expenditures from proceeds from forfeiture credited to the fund pursuant to K.S.A. 60-4117, and amendments thereto;

(B) deposits and expenditures from proceeds from forfeiture actions under federal law; and

(C) amounts held by the agency related to pending forfeiture actions under the Kansas standard asset seizure and forfeiture act.

(e) On March 1, 2020, and annually on March 1 thereafter, the Kansas bureau of investigation shall determine whether each agency's financial report matches the agency's seizing report. If the Kansas bureau of investigation determines that an agency's financial report does not substantially match that agency's seizing report or the agency has not submitted a financial report, the Kansas bureau of investigation shall notify such agency of the difference in reports. Such agency shall correct the reporting error within 30 days. If the reporting error is not corrected within 30 days, the Kansas bureau of investigation shall send such law enforcement agency, and the county or district attorney for the county in which such law enforcement agency is located, a certified letter notifying such agency that it is out of compliance. Upon receipt of such letter, no forfeiture proceedings shall be filed on property seized by such law enforcement agency. When such law enforcement agency has achieved compliance with the reporting requirements, the bureau shall send such law enforcement agency, and the county or district attorney for the county in which such law enforcement agency is located, a certified letter notifying such agency that it is in compliance and forfeiture proceeding filings may continue pursuant to this act. Annually, on or before April 15, the Kansas bureau of investigation shall report to the legislature any law enforcement agencies in the state that have failed to come into compliance with the reporting requirements in subsection (d).

History: L. 2018, ch. 26, § 1; July 1.