

# Civil Asset Forfeiture Reform

## Kansas law on civil asset forfeiture violates basic rights to property and due process.

Civil asset forfeiture laws in Kansas violate basic due process rights and threaten the property rights of citizens. Kansas law allows law enforcement agencies to seize citizens' property based solely on a suspicion that it was involved in criminal activity. Such suspicion can be ill-founded, a product of government over-reach, and result in innocent citizens having their property unfairly taken.

Seizing property is easy for law enforcement to do and hard for property owners to fight. In Kansas, after law enforcement seizes someone's property based on a suspicion that it was involved in a crime, the burden of proof is on the citizen. In criminal cases, law enforcement has to prove beyond a reasonable doubt that a person is guilty. In civil asset forfeiture cases, the citizen has to prove innocence. Innocent third-party owners—like parents whose children use their cars, then allegedly commit a crime while driving the car—face a nearly impossible task in proving their innocence and regaining their property.

To prove innocence and get their property back, citizens must endure a complicated legal battle. Rather than running up legal bills that exceed the value of the property, many opt not to fight the forfeiture and reluctantly give up their property. After a judge has ordered forfeiture, Kansas law enforcement agencies keep 100% of the proceeds of the property and have nearly unlimited discretion in determining how to use it. Police records on forfeitures are largely closed to the public, and there are minimal reporting and accountability standards.

Due to a total lack of transparency in forfeiture reporting, the value of property forfeited in Kansas is unknown. When the federal government leads a forfeiture proceeding in Kansas, local law enforcement agencies share in the proceeds and the federal government reports on the amount. The Kansas share of federal forfeiture proceeds now exceeds \$53 million. As a result, the best estimate is that locally-initiated forfeitures are worth double that amount.

## Civil asset forfeiture reform will protect the rights of citizens.

The civil asset forfeiture process is an embarrassment, one that violates core American rights of property and due process. Kansas's laws are among the worst in the nation, scoring a D- on the national report card that grades forfeiture laws.

Many other states—including Minnesota, Nebraska, and New Mexico—require that an individual be convicted of a crime before property can be forfeited in a civil proceeding. Kansas should do the same. Law enforcement agencies could still prosecute criminals and seize property used in the commission of a crime, **but the rights of innocent property owners would be protected.** ■



**KANSAS**

**forfeiture  
laws score**

a **D-**

**on national  
report cards**

**OVER  
\$53  
million**

**of Kansans'  
private property  
has been taken  
by government**