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February 6, 2023

Kansas House Judiciary Committee

Dear Chairman and Committee Members:

I currently serve as the City Attorney and City Prosecutor for the City of Wellington. I also currently serve as the Municipal Court Judge in Caldwell and Belle Plaine. I have been a practicing attorney in the State of Kansas for over 29 years. In my various positions from the current positions stated above, to my time as County Attorney for Sumner County and years in private practice, I have primarily been involved in traffic cases. With all of my experiences, this letter supports the amendments proposed by this bill.

The bill currently in front of you amends K.S.A. 8-262, which is the driving while canceled, suspended or revoke. I support the modifications to said bill as proposed. The most significant modification removing the mandatory imprisonment language.

The primary violators of this statute that I see in Municipal Court are individuals that have failed to comply with the handling of infractions with other courts, which typical is a non-payment of a fine. Oftentimes, they are not aware they were suspended due to moving and not having properly provided the Kansas Department of Revenue with a change of address.

Some are often aware of the violation, but can not afford to pay the fines, costs and reinstatement fees. Since they have to work to support themselves and a family and make the difficult choice to drive in violation of the law in order to work. With most small communities not having any public transit or working in a different town than they live, they violate the law.

With recent changes in the driving under the influence law and its mandatory provisions, it seems logical to modify the mandatory jail sentence in this statute. These offenders and the mandatory sentences can also create hardship on the municipalities. With a mandatory imprisonment, the defendant usually requests representation, which usually results in court-appointed attorney fees. Also, the costs of housing an inmate in our local jail, Sumner County, is increasing significantly next year. Many courts allow service via house arrest, but again the cost may be prohibitive for some defendants.

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Written Testimony of
Shawn R. DeJarnett
in support of HB 2216

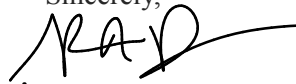
As previously mentioned, these defendants already are struggling financially and all the additional fees, makes a tough situation worse. Reimbursement to the municipality incurring the expense of a court appointed attorney and jail fees, is not likely to happen in a timely fashion or at all.

Clearly, increasing a defendant's financial burden creates concerns with their ability to keep insurance, pay fines, costs and reimbursement and continue to survive. By eliminating the mandatory imprisonment, it may alleviate some of the above issues that I have pointed out.

Giving the Court discretion at making a defendant serve imprisonment allows for a case by case analysis of which defendants should be serving a jail sentence, as well as the Court's management of its resources, such as jail space and budget for jail fees.

Thank you for your time and consideration of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'RAD', with a long horizontal flourish extending to the right.

Shawn R. DeJarnett