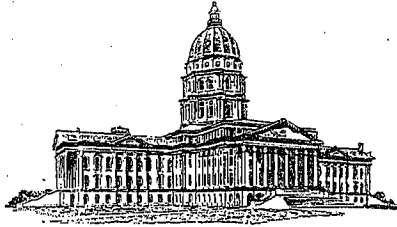


STATE OF KANSAS
HOUSE OF REPRESENTATIVES

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CARYN TYSON
4TH DISTRICT

February 6, 2012

The Honorable Lance Kinzer, Chairman
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, KS 66612

Dear Chairman Kinzer and members of the Committee:

SUBJECT: Support of HB 2521 with an amendment to clarify that an initial civil penalty be imposed by 90 days.

HB 2521 will expedite the issuing of civil penalties by the Division of Alcohol Beverage and Control (ABC). This will benefit ABC and licensees.

ABC will benefit from HB 2521 by issuing initial penalties within 90 days, therefore improving its effectiveness as an enforcement division. To help prevent crime, punishment should be swift. "...swift punishments are more effective at reducing unwanted behavior than delayed punishments." (Source: Criminology:-Theory, Research, and Policy by Gennaro Vito and Jeffrey Maahs). Ninety days is a prudent and effective timeframe for issuing an initial penalty.

The licensees will benefit by knowing in a reasonable timeframe if a citation had a penalty and what corrective action could be taken. A constituent was given a citation for not properly marking cigarettes that were being returned to the vendor. The licensee received the fine from ABC 11 months after being given the citation. After speaking to other licensees and an employee in the division of ABC, it is apparent that it is not uncommon for a licensee to be penalized months or in some cases years after the citation. Licensees should know within an acceptable timeframe if a citation will result in a penalty. A 90 day timeframe is reasonable.

HB 2521 will improve the effectiveness of ABC as an enforcement division and provide a notification to licensees of a penalty within a prudent timeframe.

Sincerely,

Caryn Tyson
Representative, District 4