



**Written Testimony on Senate Bill 7
Senate Judiciary Committee**

**Prepared by
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The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written testimony regarding Senate Bill 7. The provisions of this bill substantially modify and enhance the state's impaired driving laws and incorporate recommendations made by the legislatively created DUI Commission.

The KHP supports this committee's efforts to improve the state's law enforcement, criminal justice system and substance abuse evaluation/treatment capabilities as they relate to DUI. Senate Bill 7 undoubtedly contains improvements to existing laws that will have a positive effect on the reduction of drunk and drugged driving in Kansas.

The KHP supports the bill's contents in its entirety. Any amendment that substantively modifies or excludes any of its provisions brings with it the risk of undermining Senate Bill 7's overall potential for success.

The KHP is particularly encouraged by the following components of the bill that we believe will absolutely reduce the incidence of drunk and drugged driving in Kansas:

- *Ignition interlock device required for first time offenders.* The obvious goal of this requirement is to prevent a convicted drunk driver from operating a vehicle. Too often, first time offenders are arrested a second, then third time and so on. This device will impede the driver of a vehicle so-equipped from starting it if they have consumed alcohol and could quite possibly prevent the first time offender from becoming a multiple offender.
- *Criminalizing refusals.* It is a known fact that drunk drivers, especially repeat offenders, refuse field sobriety and evidentiary tests as a tactic to avoid arrest and prosecution. The absence of this physical evidence makes it nearly impossible for a prosecutor to prove the merits of a drunken driving case to a judge or jury. Passage of this measure has drastically reduced refusals in other states and will undoubtedly improve the state's capability to prosecute those who choose to put themselves and others at risk by drinking and driving.

- *Saliva preliminary testing device.* It is not uncommon for a driver to display the driving and physical characteristics of a drunk driver, but, not be under the influence of alcohol. Oftentimes, these individuals are under the influence of drugs. Unfortunately, because of the extensive training required to be a Drug Recognition Expert, law enforcement's ability to assess and arrest the drugged driver is limited. A preliminary saliva test capable of identifying drugs will improve our ability to identify, apprehend and pursue prosecution of a category of impaired drivers that currently presents a significant challenge for law enforcement officers.

Again, the Kansas Highway Patrol appreciates the opportunity to provide its written input regarding the life-saving provisions of this bill. We applaud the committee's efforts to promote and improve the safety of the motoring public.

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