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**Testimony to the Senate Judiciary Committee
In Support of SB453 DUI
March 9, 2012**

Chairman Owens and Committee Members,

The Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association supports SB453 amending the DUI laws. This testimony addresses those provisions of the bill affecting law enforcement. The specific sections of our support include section 4 increasing the interlock time for test refusals and the provisions in section 2 and section 7 correcting the time to be served in work release or house arrest by 3rd time offenders.

In regards to the increase in interlock time for test refusals in section 4, we believe there are two solid justifications for this amendment to current law. First, increases in sanctions encourage the driver to submit to the test. Testing is the first step to confirmation of the degree of intoxication. It is not only important to the strength of the case in court, but it also makes the evaluation and treatment if needed more certain. The second reason to support this is that most persons who refuse the test are not first time offenders. They are in denial and trying to avoid detection. Logic would seem to imply these offenders are more likely to continue to drive impaired than those that face their impairment. We continue to be very interested in criminalization of test refusals with heavy penalties as has been done in other states. Those states are having significant success with those laws. But clearly that is an issue to pursue at another time.

In regards to the correction for the time served in work release and house arrest, we understand the reason for these changes. While it will increase the bed space use in our local work release centers it is necessary to address these 3rd time offenders under the sentencing decisions the legislature made last year. While this may cause some difficulties in a few of our work release centers we will make it work. The availability of house arrest as an option is an important tool we can use to address overcrowding in the work release centers if it becomes necessary.

While there is nothing in this bill that law enforcement opposes, we are aware of concerns some of our other criminal justice partners have with certain provisions. Our support should not be interpreted as being in opposition to those concerns or opinions. It is just those provisions as we know them at this time do not directly impact law enforcement.

SB453 appears to address several of the concerns voiced about the DUI laws passed last year. We encourage you to recommend this bill favorably for passage after the careful consideration of issues addressed by other conferees.

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