

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2040

As Amended by House Committee on Judiciary

Brief*

HB 2040, as amended, would amend the law concerning driving while a person's license is canceled, suspended, or revoked, the penalty for which is based on an individual's previous convictions. The bill would provide that in sentencing, for the purposes of determining whether a conviction is a first, second, third, or subsequent conviction, only convictions occurring in the immediately preceding five years, including prior to July 1, 2015, would be taken into account. When a person's license is canceled, suspended, or revoked because of test refusal or failure to maintain liability insurance coverage, on a third or subsequent conviction, only convictions occurring on or after July 1, 2001, would be taken into account. When a person's license is canceled, suspended, or revoked because the person was convicted of murder or manslaughter resulting from the operation of a motor vehicle or of being a habitual violator, on a third or subsequent conviction, all convictions occurring during the person's lifetime would be taken into account.

Background

In the House Judiciary Committee, a representative of the City of Wichita appeared in support of the bill. There were no opponents.

The House Committee agreed to restore language stricken in the original bill providing that when a person is found guilty of a class A nonperson misdemeanor on a third

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

or subsequent conviction of driving while the person's license is canceled, suspended, or revoked, the penalty is not less than 90 days in prison and a fine of not less than \$1,500 if the cancellation, suspension, or revocation was due to test refusal. By restoring this language, the bill would provide, for that circumstance, only convictions occurring on or after July 1, 2001, would be taken into account.

The fiscal note prepared by the Division of the Budget indicates the bill, as introduced, would not result in any additional case filings for the Judicial Branch, but would require district and appellate judges to spend additional staff time researching and deciding cases. It is not possible to predict how complex and time-consuming these cases would be, however, and a precise fiscal effect cannot be estimated.

The Department of Revenue reports the bill would require changes to its computer processing system, which would result in programming costs of \$1,200 from the State General Fund. There would be no further fiscal or administrative effects on the Division of Vehicles.