

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on March 9, 2006, in Room 123-S of the Capitol.

All members were present,

Phil Journey arrived, 9:38 a.m.
Greta Goodwin arrived, 9:42 a.m.
Barbara Allen arrived, 9:44 a.m.
Derek Schmidt arrived, 9:50 a.m.

Committee staff present:

Helen Pedigo, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Toby Taylor, Kansas Ignition Interlock Association
Dan Hermes, Kansas Ignition Interlock Association
Terry Heidner, Director of Planning and Development, Kansas Department of Transportation
Marcy Ralston, Chief, Driver Control Bureau, Department of Revenue, Division of Vehicles
Representative Jene Vickery
Karen Whittman, Senior Assistant District Attorney, Shawnee County

Others attending:

See attached list.

The hearing on **HB 2916--Driving privileges, DUI; ignition interlock, proof of installation** was opened.

Toby Taylor appeared as a proponent providing information on the intent of the bill and effect of existing legislation (Attachment 1).

Dan Hermes spoke in favor of the bill and briefed the committee on the background of the bill and provided a balloon amendment indicating installation of the interlock device is for the full year of the restricted period (Attachment 2).

Terry Heidner provided neutral testimony indicating that **HB 2916** as originally proposed would cause Kansas to be in non-compliance with federal requirements for repeat DUI offenders (Attachment 3). The problem has been corrected in the current version.

Marcy Ralston provided neutral testimony relating several administrative concerns with the current version of the bill (Attachment 4). She requested clarification on:

- driving status should a person not drive or own a car during the restriction,
- how to determine installation during the entire period of restriction, and
- status of drivers at the end of the restriction but did not install the device.

There being no further conferees, the hearing on **HB 2916** was closed.

The hearing on **HB 2938--Driving while suspended or revoked, habitual violator third or subsequent offense, nonperson felony, sentence in county jail** was opened.

Representative Jene Vickery appeared on behalf of Representative Shari Weber and briefed the committee on the bill (Attachment 5).

Karen Whittman spoke as an opponent indicating current law is sufficient to handle repeat offenders who continue to drive on a suspended license (Attachment 6). Ms. Whittman indicated concern for people who cannot financially afford to pay a ticket, and subsequently, failed to pay penalties attached increasing the amount owed. They are not bad or dangerous drivers and should not be labeled felons because of financial difficulties. Ms. Whittman suggested changing the offense from a felony to a misdemeanor, creating an enhanced penalty for repeat offenders of Driving While Habitual violators, and if necessary create a

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mandatory sentence.

The Chairman requested Ms. Whittman work with Senators Journey and Bruce to develop a balloon amendment to address her concerns.

Written testimony in support of **HB 2916** was submitted by:
Kenneth M. McGovern, Sheriff, Douglas County (Attachment 7)

There being no further conferees, the hearing **HB 2938** was closed.

The meeting adjourned at 10:15 a.m. The next scheduled meeting is March 13, 2006.