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**House Judiciary Committee
Testimony in Opposition to HB2159
February 12, 2015**

Chairman Barker and Committee Members,

Our opposition to this bill is centered on the amendments found on page 2, lines 23-24 which proposes eliminating counting a DUI diversion for the purposes of determining if a person is declared a habitual violator. We believe this subsection should remain unchanged.

Diversions include a stipulation by the offender to the facts of the case. A habitual violator is a person with three occurrences of the listed violations within five years. It is important to note that if the diversion is taken to heart it is unlikely the question of becoming a habitual violator will come into play. One DUI diversion by itself will not lead to becoming a habitual violator, nor will two DUIs without an additional violation. The offenses listed are serious violations likely to cause physical, emotional, and financial harm to others.

Since the DUI Commission's work was completed and many of their recommendations adopted in legislation, we have noticed a theme the past few years to attempt to undo some of those achievements to thwart drunk driving in Kansas. We continually hear some ask for our sympathy for the DUI offender, with little discussion by proponents of these reversals of policy for the hundreds of Kansans negatively affected by drunk drivers every year.

We also point you to a related statute that does not appear in the bill, KSA 8-284, which established the public policy of Kansas for habitual violators. I have printed this on the back of this document. It serves to remind us why the habitual violator laws exist. We submit to you counting a DUI diversion does fall under this established state policy and should remain a part of KSA 8-285.

We encourage you to restore the stricken language on page 2, lines 23-24, and say no to efforts to weaken our DUI reduction efforts and continue to support the public safety policies currently in statute.

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KSA 8-284. Public policy of state.

It is hereby declared to be the public policy of the state of Kansas:

- (a) To provide maximum safety for all persons who travel or otherwise use the public highways of the state;
- (b) To deny the privilege of operating motor vehicles on such highways to persons who by their conduct, attitude and record have demonstrated their indifference to the safety and welfare of others and their disrespect for the laws of this state, the orders of its courts and the statutorily required acts of its administrative agencies; and
- (c) To discourage repetition of criminal acts by individuals against the peace and dignity of this state and its political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual violators who have been convicted repeatedly of violations of traffic laws.