

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
300 S.W. TENTH AVENUE
TOPEKA, KS 66612
(785) 296-7640
les.mason@house.ks.gov



DISTRICT OFFICE
108 ARCADIAN CT
McPHERSON, KS 67460
les.jogo@gmail.com

LES MASON
73RD DISTRICT

To: Senate Committee on Judiciary
The Honorable Jeff King, Chair

Date: March 17, 2015

Re: sub for HB 2115, aka Mija Stockman's law

Thank you, Chairman King and members of the committee for the opportunity to appear today to testify on HB 2115, also known as Mija Stockman's law. You will later hear testimony as to the personal impact of the crime involved, and the value of this change to prosecutors, but my role here is to speak to why this bill was introduced.

Mija Stockman is a beloved member of both the Lindsborg and McPherson communities, living in the former and teaching in the latter. While driving to work on December 20, 2013, her vehicle was struck by that of a drunk driver, who three hours later tested .18 blood alcohol level. He was ultimately convicted and sentenced to 34 months...less time served, and possibility of a reduced sentence for good behavior.

Even though the assailant had multiple DUI and alcohol related offenses in his history, because of the location and timing of those, none could be considered in the sentencing. And, because those offenses could not be considered, he landed in a border box on the sentencing grid, which could have meant probation. Thirty-four months...and, Mija's life, and that of her family's had been changed forever.

Briefly summarized, Sub. for HB 2115 would be known as Mija Stockman's Law and would create a special sentencing rule for the crime of aggravated battery when a person is driving under the influence (DUI) and great bodily harm to another person or disfigurement of another person results from such act. The rule would provide that for the purposes of determining an offender's criminal history, the first prior adult conviction, diversion in lieu of criminal prosecution, or juvenile adjudication of DUI would count as one nonperson felony. Each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution, or juvenile adjudication of DUI would count as one person felony.

While it's clear that we can't do anything legislatively to ease the burden or suffering of the extended Stockman family, it's my hope that we can honor their struggle now and for years to come, by assuring the next time this happens the punishment more appropriately fits the crime.

Mr. Chairman, members of the committee, thank you for your kind attention and consideration, and urge that this bill would be passed out of committee favorably. I am prepared to stand for any questions you might have.

Les Mason
Kansas House of Representatives
District 73