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Testimony to the Senate Ways and Means Committee In Opposition to SB403 March 2, 2016

Chairman Masterson and Committee Members,

The Kansas Association of Chiefs of Police stand in solid opposition to SB403. To be clear, it is our belief traffic enforcement should never be based on financial needs of the city. The purpose of traffic enforcement is to improve public safety, improve compliance with traffic laws, and to reduce deaths and injuries caused by motor vehicles. However, traffic enforcement clearly is not free and the money received from fines supports the expenses cities incur in delivering traffic enforcement and traffic related investigation services.

SB403 proposes limiting cities to 10% of the city's general revenues coming from traffic infraction fines. We believe very few cities would surpass that percentage, but certainly very small cities could have extremely small overall general budgets making this potentially possible even with proper enforcement philosophies. We have not been able to determine if any cities would exceed this limit.

The number of tickets issued by municipal agencies is dropping. From 2010 to 2015 they have dropped by about 23%. This does not appear to support an ongoing effort by cities to enhance their budget through traffic enforcement.

It also appears this 10% rule is just an arbitrary number without any supporting study or data. Let's look at what it might take for a small city to exceed 10%. Assume a small city has a \$1.5 million budget. And let's say they average, per day: 2 parking tickets; 1 serious moving violation like a stop sign, red light, right of way violation, or illegal turn; 3 speeding tickets not in a school zone; and 3 speeding tickets in a school zone only on school days. If we apply the fines set by state statute, they will exceed 10%. That really doesn't sound like an overaggressive misuse of traffic enforcement.

SB403 also proposes to take 70% of any infraction fines for violations occurring on any state or federal highway. This provision is very problematic as those highways involve higher traffic volume and higher accident rates. I seriously doubt the legislature would like for all cities to abandon enforcement efforts on highways going through their cities. Clearly the highway patrol spends very little time enforcing traffic laws or working accidents inside cities. I doubt they could handle the case load in the larger cities if this were to take place. It makes no sense for the legislature to expect cities to expend significant resources at the city taxpayer expense to enforce traffic laws and investigate accidents and traffic related complaints on state and federal highways but turn over 70% of the fines to the state. One only has to read the local newspapers to realize cities with significant highway traffic spend significant resources on

traffic matters. For example, in Topeka on I-70, US-75, US-24. Or in Wichita on I-135, I-235, US-54/400, K-96 and K-15. Even in small cities the highways coming through town can be a significant safety issue, especially where school zones and business districts are involved.

One of the most devastating proposals of this bill is found on page 12, lines 13-16 which prohibits collection of court costs if the case is not contested. This concern starts with the potential constitutional issue of effectively discouraging a person from seeking a trial by imposing additional charges through court fees which are only applied if found guilty by trial. But the major concern is the devastating blow this provision has on those who are recipients of those court costs. For example, while the legislature is looking at closing a funding gap for both the Kansas Law Enforcement Training Center (KLETC) and the Kansas Commission on Police Officer Standards and Training (CPOST), this bill removes enough current funding to negate most of the additional funding proposed for KLETC and nearly all current and proposed funding for CPOST. I would imagine the other agencies receiving those funds, such as the juvenile detention facility fund, the protection from abuse fund, the crime victims assistance fund, the trauma fund, the department of corrections forensic psychologist fund, or the local law enforcement training reimbursement fund would also be devastated by the resulting funding reduction. We estimate (really an educated guess) over 95% of traffic infraction tickets are paid without contesting the charge. If that is true these funds could see over a 95% decrease in funding. Most of these are state programs, not local.

This bill also appears to have other unintended consequences besides defunding the recipients listed above. If the bill results in cities decreasing patrols on state and federal highways in their jurisdictions, accidents on those highways will increase and there will be more demand on the highway patrol to take over the investigations and enforcement on those highways. These are activities that most cities accept today. If some small cities disband their police departments as a result of this bill, the burden shifts to the counties for law enforcement and to the district courts for handling the cases and most certainly those cities will have reduced law enforcement services.

While our association does not presume to be fully knowledgeable on the budgets of every city in Kansas, we are not aware of any city where there is abuse of traffic enforcement in the name of funding the city budget. We cannot tell you it doesn't happen somewhere, but if it does we are confident it is a very rare exception. This bill proposes punishing all cities for possible misdeeds by a very small percentage of cities, if any misdeeds are occurring at all.

We strongly encourage you to kill this bill in committee.

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