

TESTIMONY IN OPPOSITION OF SB 403-Limitations on municipal revenue generation through traffic citations.

To: Honorable Chairman Ty Masterson
Members of the Committee on Ways and Means

From: Thomas Hongolo, Police Chief
City of Lenexa

Date: March 2, 2016

Lenexa, Kansas is located on the west side of the Kansas City Metropolitan area and contains a significant number of state and federal highway miles. It is our obligation and endeavor to ensure that the citizens and patrons of our City remain safe during their travels through our City. The Lenexa Police Department provides the majority of the traffic and criminal law enforcement efforts on these highways and our Municipal Court processes these infractions. The Kansas Highway Patrol does not have adequate staffing to patrol the highways and respond to all of the traffic related calls on the highways within our City. The Kansas Highway Patrol expects a collaborative approach on patrolling these highways, enforcing traffic laws and investigating accidents. In 2015, Lenexa officers responded to 747 traffic accidents on highway miles within our City. Lenexa police officers take seriously their responsibility to enforce traffic violations on state and US highways to help ensure the safety of the traveling public. Good law enforcement efforts help reduce the number and severity of speed-related accidents and injuries. SB 403 would impose significant administrative and financial burdens upon the City and would work against these efforts. More specifically:

- Section 2: Our current Court software system does not maintain information based upon what type of roadway the ticket was issued upon. Implementing this law would require court clerks to double check every traffic violation and ensure that they can determine exactly where the infraction occurred and assess the appropriate fines and costs. Due to the number of traffic infractions processed, this would administratively overwhelm our court staff's capacity.
- Section 2: SB 403 does not deal with the common situation where traffic citations are included as part of one or more criminal charges. For example, if a suspect is arrested for a narcotics violation, frequently additional traffic citations are written as part of the case. Law enforcement officers would issue one citation, but then municipal court clerks would be required to separate the criminal charges from the traffic charges when the case is completed and account for each separately, and impose different court costs on charges under one case. In addition to the administrative burden imposed, our current software system cannot impose multiple court costs on one municipal court case.
- Section 2: Because Lenexa officers provide the majority of the law enforcement activities on these highways it is unfair for the State to receive 70% of the traffic

finer. Lenexa taxpayers are paying for our Police Department to conduct these enforcement actions, and those fines should be returned to the community and encourage further law enforcement activity on our highways.

- Section 6: The imposition of additional fees if a defendant appears in court is unduly burdensome to individuals who may not have the money to pay a ticket online and/or want to exercise their right to address a citation in court. Implementing this provision would mean that if an individual can afford to pay their speeding ticket in-full online, it will cost them \$150, but if a person needs a payment plan, community service, or wants to appear in court to request an extension or contest the citation, they will pay more via additional court costs.

The State currently has mandates where a portion of the court fine is sent to support various State operations such as KLETTC and C-Post. Below is the total amount Lenexa sent to the State under these mandates:

2014- \$148,096

2015- \$115,976

The proposed bill states that it would apply to all citations written on the "National Network of Highways" as defined in KSA 8-1487. This would be a concern for many cities that have a designated highway by statute that is a main thoroughfare. This would include Shawnee Mission Parkway (US 56), parts of Metcalf Avenue, Roe Avenue (US 169), State Avenue (US24/US40) and Kansas Avenue (US 24). The traffic laws on these roadways are only enforcement by local municipalities.

The burdens resulting from this proposed legislation include slower customer service, longer processing time, ticket balances will also be difficult to determine based upon differing court costs, and there will be a greater chance for errors. It may also result in more dangerous highways. With a reduction in the revenue from these enforcement activities, Lenexa Police Officers will not have the manpower or resources to maintain the same level of enforcement on the state and federal highways and will have to defer these activities to the Sheriff's Office and the State Highway Patrol. Those outcomes are directly contrary to the goals of our law enforcement officers and Municipal Court staff in Lenexa, and for these reasons the city of Lenexa strongly opposes SB 403.