

Approved

Date: *January 15, 2002*

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:37 a.m. on January 14, 2002 in Room 123-S of the Capitol.

All members were present except: Senator Haley (excused)
Senator Pugh (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Dennis, Linda and Aaron Beaver, Atchison, Kansas

Others attending: see attached list

The Chair presented organizational information regarding the Committee and discussed housekeeping items. He announced the appointment of the following Senate Judiciary Subcommittee chairs and members:

Sen. Pugh - Chair

Sen. Gilstrap

Sen. Oleen

Sen. Adkins - Chair

Sen. Haley

Sen. Umbarger

Sen. O'Connor

Sen. Schmidt - Chair

Sen. Goodwin

Sen. Donovan

Conferee Dennis Beaver narrated a thirty minute PowerPoint presentation entitled: "Casey's Story" which portrays his family's tragic experience as unwilling victims of a convicted drunk driver's actions and a legal system which he stated failed them. He reviewed the history of his son, Casey's, death on August 4, 2000, in an automobile accident caused by a repeat offender of driving under the influence of drugs or alcohol (DUI) laws. He presented national and state statistical data regarding the physical, mental, emotional and monetary cost to society of DUI related injuries and deaths, discussed problems with the enforcement of current DUI laws, presented solutions to these problems and summarized "Casey's Law" which makes recommendations for possible legislation. (attachment 1)

The meeting adjourned at 10:31 a.m. The next meeting is January 15, 2002.

Problem

Solution

State laws are complex and contain inconsistencies and loopholes.	Review and simplify laws.
Many drivers refuse to take BAC tests.	Establish BAC test refusal penalties that are more severe than the penalty for failing the BAC test
DWI enforcement levels and arrest rates are low.	Simplify arrest procedures and paperwork; provide needed equipment and training; enforce drinking age 21 and zero tolerance laws.
Many arrested drunken drivers aren't convicted.	Eliminate plea bargains to non-alcohol offenses; eliminate diversion programs that allow offenders to escape punishment; assure that administrative hearings don't interfere with criminal proceedings.
Many repeat offenders are not identified.	Improve record systems to identify prior drunken driving offenses.
Problem drinkers are not identified or treated effectively.	Screen all drunken driving offenders for drinking problems; require treatment if necessary
Even convicted drunken drivers escape meaningful punishment.	Apply administrative and criminal sanctions consistently; include actions against the offender's car
Offenders frequently are not monitored to assure they complete their sentences.	Control offenders closely during probation; consider dedicated facilities if needed.
Offenders frequently drive with suspended licenses or fail to relicense when eligible.	Establish and enforce still penalties for unlicensed driving.
Law enforcement, courts and probation lack needed resources.	Provide steady, dedicated funding.
States need strong leadership for all drunken driving control activities.	Assure that state transportation, health, law enforcement, motor vehicle and justice departments work together.

By Jim Hedlund and Anne McCartt, Preusser Research Group, Inc.



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20-11-1
San Jose

Caszy's Law:



- 1st offense operating under the influence conviction: A court may order the vehicle they were driving immobilized for up to 6 months and their license automatically suspended for 30 days and restricted for 5 months.
- 2nd offense drunk driving: The arresting officer will confiscate the metal license plate and issue a temporary paper license plate, and if convicted, the car will be immobilized for six months to a year and the driver's license will be revoke for one year.
- For a 3rd conviction for drunk driving, the car will be immobilized for one to three years and the license will be revoked for five years.
- If the vehicle being driven does not belong to the driver, the metal license plate will still be confiscated. And, if it can be proven the owner knowingly lent the driver the vehicle, the vehicle could be immobilized.
- A 2nd conviction for driving on a suspended license will result in a six-month immobilization, for a third conviction the vehicle will be immobilized for one to three years. For any additional convictions, the vehicle will be seized and sold.
- It shall also be illegal to transfer the title to a family member to avoid immobilization.

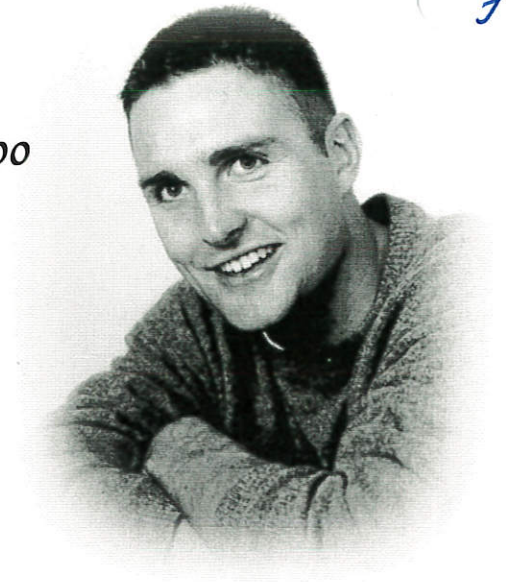
Judiciary

Casey Ray Beaver

Born: November 6, 1976

Murdered by a drunk driver on August 4, 2000

<http://www.kansite.com/casey>



November 21, 2001

Senator John Vratil
Judicial Committee Chairperson
9534 Lee Boulevard
Leawood, Kansas 66206

Dear Senator Vratil,

As per our telephone conversation, Linda and I are requesting an audience during the 2002 Legislative Session.

We would like to present our PowerPoint® presentation titled: "Casey's Story". "Casey's Story" is a 30-minute presentation about our son and the effects of drinking and driving.

We appreciate your time and your consideration in allowing us to become presenters to this elite group.

If you have any questions, please do not hesitate to contact us. We are willing to attend any session that you find convenient for you and your members.

Sincerely,

Dennis, Linda & Aaron Beaver
1505 Prairie Drive, Atchison, KS 66002
Home: 913-367-1670/**Wrk:** 913-758-2728/**Fax:** 913-367-0751/**Email:** ldbeav@hotmail.com

Remember: You have a right to drive. If you are of legal age, you have a right to drink. When you drink then drive you violate our rights. Casey had a right to feel safe driving on August 4, 2000.

Please remember Casey's name. Remember Casey's beautiful face. Remember how Casey was murdered. Remember Casey, our best friend. Remember Casey, who we will never have to hold again. Remember Casey Ray Beaver to keep others from suffering the loss of a loved one to a drunken driver.

*Thank you for assisting us with this very important issue that came to us
NOT by our choice, but by the fatal choice of a drunk driver.*