

Approved: March 31, 2008

Date

MINUTES OF THE SELECT COMMITTEE ON CORRECTIONS REFORM AND OVERSIGHT

The meeting was called to order by Chairman Thomas C. Owens at 12:05 P.M. on March 25, 2008 in Room 431-N of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Jill Wolters Revisor of Statutes Office
Jason Thompson, Revisor of Statutes Office
Cyndie Rexer, Committee Assistant

Conferees appearing before the committee: None

Others attending:

See attached list.

Representative Johnson gave a briefing on the Ad Hoc Committee meeting held Monday, March 24. General consensus of the committee is that more input is needed from people in the field in order to formulate good law.

Chairman Owens reported to the committee his intent to request an interim study. Representative Dan Johnson moved to request the LCC refer **2008 House Bill 2879** and **2008 SB 582** be referred for interim study by the Joint Committee on Corrections and Juvenile Justice Oversight. Representative Colloton seconded the motion. The motion carried.

Written testimony was provided to the committee by Carolyn Ward, Kansas Ignition Interlock Association concerning ignition interlock devices (Attachments 1 & 2).

Chairman Owens thanked Jon Small for providing lunch for the committee.

The meeting was adjourned at 12:25 p.m.

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LEGISLATIVE TESTIMONY

TO: Chairman Tim Owens and Members of the Select Committee on Corrections Reform and Oversight

DATE: March 25, 2009

SUBJECT: Suggested DUI Amendment

Mr. Chairman and Members of the Committee, my name is Carolyn Ward and I represent The Kansas Ignition Interlock Association.

We respectfully request consideration of an amendment to current law effectively modifying the consequences for first time DUI offenses. In lieu of the current 30 day license suspension followed by 330 days of license restriction, we are proposing that the 330 day restricted period be substituted with a requirement for the mandatory installation of an ignition interlock device. Currently such devices are required for second, third and fourth DUI offenses.

Even first-time offenses are indicators that a person has a serious problem with alcohol and are likely to become a repeat offender. First-time offenders have driven drunk an average of 87 times before they're finally arrested.

Driver's license suspension makes it increasingly difficult for recovering individuals to access jobs, education and other services that assist in successful recovery and reintegration. Research shows that currently available breath alcohol ignition interlock devices are one of the most effective ways to keep convicted drunk drivers from continuing to drive drunk. Unfortunately, they're significantly underused in almost every community. Interlocks are proven to be up to 90 percent effective while on the vehicle, but it's estimated that only one convicted drunk driver in eight gets the device each year—and most of those are repeat offenders.

I thank the committee for its time and attention and would stand for any questions.

Select Committee on
Corrections Reform and Oversight
3-25-08
Attachment 1



MADD

Activism | Victim Services | Education

Mothers Against Drunk Driving
National Office
511 E. John Carpenter Frwy., Suite 700
Irving, TX 75062-8187
Phone (214)744-MADD
Fax (972)869-2206/2207
www.madd.org

March 20, 2008

Dear Legislators:

I write this letter on behalf of Mothers Against Drunk Driving to express my hope that Kansas will consider passing a mandatory ignition interlock law that covers all offenders with a BAC over .08. Currently, Kansas is one of a few states in the country to mandate interlock use as a condition to driving by all persons convicted of DUI who had a blood alcohol concentration level of .15 or greater. Kansas has the ability to lead the nation in combating DUI offenses by passing an interlock law that covers all DUI offenders. Currently, only New Mexico, Arizona, Louisiana, Illinois, and Washington State have passed a law mandating interlocks for all offenders.

Studies have repeatedly shown that persons convicted of their first DUI offense have on average driven 87 times with an illegal BAC prior to being caught and convicted. Mandatory use of interlocks in New Mexico, the first state to pass a mandatory ignition interlock law, shows interlocks to be 90 percent effective in reducing rates of DUI recidivism. An offender who drives with an interlock restricted license for a period of five months or more is less likely to commit another DUI.

Mandatory ignition interlocks will benefit Kansas and the offender. Currently, state governments spend millions of dollars per year incarcerating DUI offenders. Money spent on incarceration rarely translates into a reduced incidence of DUI offenses in a state. The cost of ignition interlock devices is borne by the offender versus the state. States with mandatory ignition interlock laws require offenders to pay a nominal administrative fee, an ignition interlock installation fee, and a monthly maintenance fee. Most states have created indigent funds that provide interlocks of free or reduced charge to DUI convicted offenders determined by the courts to be indigent. Ignition interlocks simply ensure drinking is severed from driving. An offender using an ignition interlock device can continue to provide for his family and reside with his family.

MADD believes ignition interlocks to be the only sanction for DUI offenses that severs drinking from driving while also conditioning an offender to drive without drinking. We ask for your support in making mandatory ignition interlock legislation the law of Kansas. Please urge your colleagues to do the same.

Sincerely,

Glynn R. Birch
National President
Mothers Against Drunk Driving

Select Committee on
Corrections Reform and Oversight
3-25-08
Attachment 2