

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Tim Owens at 9:45 a.m. on February 25, 2009, in Room 545-N of the Capitol.

All members were present except:
Senator Julia Lynn- excused

Committee staff present:
Jason Thompson, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the committee:
Richard Samaniego, Kansas County & District Attorneys Association
Ed Klumpp, Kansas Association of Chiefs of Police & Kansas Peace Officers
Stuart Little, Kansas Association of Addiction Professionals
Pete Bodyk, Kansas Department of Transportation
Jennifer Roth, Kansas Association of Criminal Defense Lawyers
Michael Stover, Undersheriff, Sedgwick County

Others attending:
See attached list.

The Chairman reopened the hearing on **SB 278 - Creating the Kansas highway safety commission; penalties for driving under the influence; district magistrate judge jurisdiction for DUI cases.**

Richard Samaniego testified in support of the creation of a DUI Commission to continue the effort to develop a comprehensive approach to the problems in Kansas. The Kansas County & District Attorneys Association urged caution in making any substantive changes to current DUI laws and requested an appointment of a member to the Commission. ([Attachment 1](#))

Ed Klumpp appeared in favor stating it is time to get tough on DUI offenders and enhancement of DUI reporting. Mr. Klumpp also voiced concern regarding the impact proposed sentencing changes may have on local jails and urged changes should not be implemented without the study results. ([Attachment 2](#))

Stuart Little testified in favor requesting a technical correction on page 2, line 3, to the correct agency title to Kansas Association of "Addiction" Professionals. ([Attachment 3](#))

Pete Bodyk appeared in support, requesting two changes to the bill. The first change to Section 1, appoint the Secretary of Transportation or designate as member of the commission. The second change to add to Section 1, (b) (3) "enforcement strategies and penalty structure." ([Attachment 4](#))

Jennifer Roth spoke in opposition stating while the Association of Criminal Defense Lawyers support the establishment of the DUI Commission there is concern regarding the elimination of house arrest for 3rd offenders. It must be remembered this is a lifetime look back and the house arrest should be maintained subject to the discretion of the court. Ms. Roth also voiced concern regarding the electronic reporting at the time of arrest indicating this assumes guilt based on charges only. There is no trigger to remove a reported arrest if charges are not filed or if a case is amended or dismissed. ([Attachment 5](#))

Michael Stover appeared in opposition stating his concern that the bill does not allow for any provisions of house arrest, day reporting, drug courts, etc. Judges should have a continuum of sanctions available. Without these sanctions, the result will be a mandated six day jail sentence increasing inmate populations of local jails of which many are already above capacity. ([Attachment 6](#))

Written testimony in support of **SB 278** was submitted by:
Roger Werholtz, Secretary, Kansas Department of Transportation ([Attachment 7](#))

The next meeting is scheduled for February 26, 2009. The meeting was adjourned at 10:30 a.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2-25-09

NAME	REPRESENTING
ED KLUMPP	KACP & KPOP
Kelly Belletto	KDOR DMV
Almann	KDOR DMV
Marcy Balsta	KDOR
Chris Mechner	QA/SAPB
Brenda Harmon	KSC
Nancy Zogelman	Polsinelli
Tracy Khounsavanh	Governor's Office
ERIK SARTORIUS	City of Overland Park
SEAN MILLER	CAPITOL STRATEGIES
Terry Heidner	KDOT
Tom Kutz	KRSB
Boym Dylum	inter-senate Hackley
Richard Samoylo	KCAA
KAREN WITTMAN	Traffic Safety Resource / AGS office
DARIAN DEKOVICH	KHP
Pete Bodyk	KDOT
Charles Brantlett	SRS

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2-25-09

NAME	REPRESENTING
Megan Tol	Gen. Community
Dalyn Schmitt	Gen. Community
Mike Sheld	KTHI NEWS
Michael Storer	Seaboard County Sheriff
Kevin Barone	KS Ignition Interlock Assoc
Whitney Jam	KS B- Assn
Joe Malina	KS Bus Assn
Jennifer Roth	KACOL



Kansas County & District Attorneys Association

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Topeka, KS 66604
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www.kcdaa.org

February 24, 2009

Testimony in Support of SB 278 Submitted by Richard A. Samaniego

Chairman Owens and members of the Senate Judiciary Committee,

I appreciate the opportunity to present testimony on behalf of the Kansas County and District Attorneys Association (KCDAA) regarding SB 278. The KCDAA supports the establishment of a commission to conduct an in-depth review of the DUI laws in Kansas as provided in SB 278 and recommended by the Kansas Substance Abuse Policy Board (SAPB).

In 2008, the KCDAA was provided an opportunity to appoint a member to the Kansas Substance Abuse Policy Board with the passage of HB 2707. Subsequently, the Association appointed Heather Jones, the Franklin County Attorney, to serve on the SAPB. Heather could not be here today, but would like to convey her support of the SAPB recommendations and the need for a commission to further study this issue and provide a comprehensive solution.

It is for this reason that the KCDAA supports the creation of a commission to continue the effort to develop a comprehensive approach, but respectfully requests that the committee delay any substantive changes to the DUI laws as provided in SB 278.

In addition, the KCDAA would appreciate the opportunity to continue to participate in this discussion of Kansas DUI laws with an appointment by the Association to the commission. Currently, SB 278 provides for the appointment of two prosecutors by the Attorney General. We believe that the Association would be in the best position as the professional organization of prosecutors to appoint representatives to the commission with city and county DUI expertise. Therefore, we respectfully request your consideration of the attached balloon amendment to provide for the appointment of prosecutors by the KCDAA.

We urge your full support and favorable recommendation of SB 278 as suggested in this testimony. I would be happy to answer any questions.

Senate Judiciary

2-25-09
Attachment 1

SENATE BILL No. 278

By Committee on Federal and State Affairs

2-17

9 AN ACT concerning driving under the influence; creating the Kansas
10 highway safety commission; relating to penalties; division of vehicles;
11 district magistrate judges; jurisdiction; amending K.S.A. 20-302b and
12 20-329 and K.S.A. 2008 Supp. 8-1567 and repealing the existing
13 sections.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. (a) There is hereby created the Kansas highway
17 safety commission.

18 (b) The commission shall:

19 (1) Review past and current driving under the influence statutes in
20 Kansas;

21 (2) review driving under the influence statutes in other states;

22 (3) review what is effective in changing the behavior of driving under
23 the influence offenders by examining evaluation, treatment and supervi-
24 sion practices;

25 (4) develop a balanced and comprehensive legislative proposal that
26 assures highway safety by changing the behavior of driving under the
27 influence offenders at the earliest possible time and provides for signifi-
28 cant restriction on personal liberty at some level of frequency and quantity
29 of offenses; and

30 (5) assess and gather information on all groups and committees work-
31 ing on issues related to driving under the influence and determine if any
32 results or conclusions have been found to address the issues.

33 (c) The commission shall be made up of the following members:

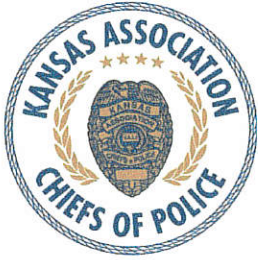
34 (1) The chairperson and the ranking minority member of the standing
35 committee on judiciary of the senate;

36 (2) the chairperson and the ranking minority member of the standing
37 committee on judiciary of the house of representatives;

38 (3) a district judge, a district magistrate judge and a municipal court
39 judge who exercise regular jurisdiction in driving under the influence
40 cases, each appointed by the chief justice of the supreme court;

41 (4) the attorney general or the attorney general's designee;

42 (5) two prosecuting attorneys who regularly prosecute driving under
43 the influence cases, each appointed by the ~~attorney general~~
Kansas County and District Attorneys Association;



Kansas Association of Chiefs of Police
PO Box 780603, Wichita, KS 67278 (316)733-7301

Kansas Peace Officers Association
PO Box 2592, Wichita, KS 67201 (316)722-8433



February 24, 2009

Testimony to the Senate Judiciary Committee In Support of SB278 DUI Safety Commission

Chairman Owens and committee members,

The Kansas Association of Chiefs of Police and the Kansas Peace Officers Association supports, in principle, section 1 of this bill. This section will create a DUI Highway Safety Commission to study the DUI issue in its entirety and report back with recommendations for the 2010 legislative session.

We support, in principle, both the effort in section 2 to get tough on the third time and subsequent DUI offenders and enhancing DUI arrest reporting. However, we are concerned with the impact of the proposed sentencing changes on local jail space and we believe this part of the bill should be part of the study and not an implementation without the study results. We also believe the reporting process enhancement should utilize existing reporting technology and processes, and not the more expensive creation of new processes.

The Problem:

1. The DUI issue is very complex and the piece meal approach we have been taking can result in unintended consequences as one area of concern is adjusted with an unintended negative result in another area.

For example, adjusting penalties for the DUI offense can result in unintended consequences on unchanged penalties for refusing the test. Failure to consider these impacts risks an increase in test refusals which makes it more difficult to convict the offender.

2. Early DUI intervention methods do not appear to be effectively addressing the problem in a way to deter repeat offenders.

Over the past few years, bed space impact statements on any proposal to get tough on the repeat DUI offender by adding in custody state treatment or state DOC penalties shows the problem is monumental for 3 time offenders and even 4 time and 5 time offenders. Some of those bed projections have been as high as 1400 beds.

3. Mandates for increasing local jail time only transfers the jail space problem from the state to the cities and counties.

It is this issue that most concerns us with the proposed change in sentencing provisions. We don't know if the increased demand on jail space and work release space is feasible or not.

The Solution:

A comprehensive study by experts in the relevant fields is necessary to identify best practices and to develop a long term comprehensive solution to the DUI problem. Section 1 sets such a study in motion.

The study must include:

1. All DUI offenses from the first time offender through the worst repetitive offenders.
2. Best treatment practices and the funding for the required facilities and programs.
3. Identifying appropriate and effective incarceration requirements.
4. State and local confinement solutions including treatment and work release.
5. Incentives to take the DUI tests and effective penalties for refusing such tests.
6. The use of technology to reduce recidivism. (GPS monitoring and ignition interlocks)

Ed Klumpp
Legislative Committee Chair – Kansas Association of Chiefs of Police
Legislative Committee Chair – Kansas Peace Officers Association
eklumpp@cox.net
Phone (785) 640-1102

Senate Judiciary

2-25-09

Attachment 2

KACP and KPOA recommendations to amend the original SB 278

1. On page 1 lines 42-43, designate one of the two prosecutors as one who prosecutes in a district court and the other as one who prosecutes in a municipal court.
2. On page 2, line 9, allow the Kansas Sheriffs Association to make recommendations for the appointment similar to the way the appointments for KS-CPOST is provided for in K.S.A. 74-5606 (a) (3)-(5), "to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas sheriffs' association."
3. On page 2, lines 10-11, allow the Kansas Association of Chiefs of Police to make recommendations for the appointment similar to the way the appointments for KS-CPOST is provided for in K.S.A. 74-5606 (a) (6)-(8), "to be selected by the governor who shall consider, but not be limited to, a list of three nominees submitted therefor by the Kansas association of chiefs of police."
4. There is a potential problem with lines 9-14 on page 8. I don't think there is currently a way for LE to report these arrests to the division electronically.
 - a. The courts do have that mechanism set up. So this provision probably needs to be changed for the court to report it at the time the charges are filed or received by the court. This also eliminates a potential issue if LE makes the arrest but the prosecutor decides not to proceed with charges. In such cases the court would never see it to notify the division to remove the arrest record if law enforcement submits the arrest. It would probably be better to use an existing electronic reporting system and not split the duty to report the arrest and the disposition between two agencies. I am guessing that will also reduce the fiscal note. The electronic reporting capabilities needs to be verified with the department of revenue.

The change, if needed, would all be on page 8 as follows:

 - i. On line 9 strike "Law enforcement officers" and replace with "The court"
 - ii. On line 9 strike "arrest" and replace with "charge"
 - iii. On line 10 strike "of arrest" and replace with "charges are received and accepted by the court"
 - b. An alternative method is to use the existing system of reporting these arrests, charging and dispositions to the KBI database. To be effective the municipal arrests need to be reported in a manner consistent with the district court requirements. Currently district court charges are reported at time of arrest or first arraignment, whichever is first; while municipal court charges are reported at time of arrest in some cases but not required until after conviction. This alternative would require more extensive amendments to the bill.

STUART J. LITTLE, Ph.D.
Little Government Relations, LLC

February 24, 2009

Senate Judiciary Committee

Testimony on Senate Bill 278

Chairman Owens and Members of the Committee,

The Kansas Association of Addiction Professionals supports the objectives of Senate Bill 278 and several members are testifying in support.

We are requesting one minor wording change in the bill. New Section (1) no. 7 should be amended in following manner:

(7) two persons appointed by the Kansas association of ~~substance abuse~~ *addiction* professionals;

There is no such organization as "the Kansas Association of Substance Abuse Professionals" and the Kansas Association of Addiction Professionals is the one statewide addiction, treatment, and counseling professional association. The Kansas Association of Addiction Professionals was the professional association who participated in the Substance Abuse Review Board and that organization should be referenced in Senate Bill 278.

Thank you for your time and consideration. I would be happy to answer questions.

**TESTIMONY BEFORE
SENATE JUDICIARY COMMITTEE**

**REGARDING SENATE BILL 278
RELATED TO DRIVING UNDER THE INFLUENCE; CREATING THE KANSAS
HIGHWAY SAFETY COMMISSION**

February 24, 2009

Mr. Chairman and Committee Members:

I am Pete Bodyk, Manager of the Kansas Department of Transportation's Traffic Safety Section. I am here to provide testimony on Senate Bill 278 related to driving under the influence, and creating a Kansas Highway Safety Commission.

The Kansas Department of Transportation supports the concept of forming a group to study issues surrounding driving under the influence (DUI), and to recommend changes designed to reduce the incidence of DUIs in Kansas. After reviewing this bill, we have some changes that we feel need to be incorporated into the makeup of the Commission and the scope of its duties. First, the title of the Commission should be changed to more accurately reflect the issues to be studied. A Kansas Highway Safety Commission suggests that this body will be studying the broad range of highway safety issues, which are much more numerous than just the DUI issue. This will be confusing to the public. The Commission would most likely receive comments and suggestions from the public on broad safety issues, from engineering, such as rumble strips, signage, shoulders, etc. to behavior, such as speeding, running red lights, failing to restrain children, etc. A more appropriate title would be something along the lines of the "Kansas DUI Task Force," or the "Kansas Impaired Driving Advisory Commission."

We also believe the Secretary of KDOT or the Secretary's designee should be added as a member of this Commission. Highway safety is integral to everything KDOT does, and that includes issues related to DUIs through our traffic safety programs. We fund DUI enforcement efforts, disseminate educational materials, give presentations and develop awareness campaigns utilizing all forms of media. Another very important consideration is that KDOT receives federal funds for alcohol initiatives based on Kansas laws, penalties, and programs. There is also the possibility that Kansas would lose federal funds for construction programs if laws were changed that put Kansas out of compliance with federal requirements. Having a representative from KDOT on the Commission could ensure that any recommended changes would not have a negative impact on these federal funds.

Finally, we believe there should be a change to one of the scope statements for the Commission in this bill. In New Section 1, subsection (b)(3) it states "*review what is effective in changing the*

DOUGLAS E. WELLS

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February 23, 2009

To: Senate Judiciary Committee

From: Douglas E. Wells on behalf of the Kansas
Association of Criminal Defense Lawyers

Re: SB 278 Opponent hearing 02-24-09 at 9:30

Dear Committee,

The purpose of this letter is to describe our opposition to much of Senate Bill 278, although parts of it I do support. I am a private practicing attorney who represents people accused of driving under the influence. I am the Vice President of the Kansas Association of Criminal Defense Lawyers (KACDL). My comments are as follows:

1. **Establishment of Kansas Highway Safety Commission:**

I support this provision. This will allow more meaningful conversation and discussion among all disciplines. It is very important that defense attorneys be permitted to participate, as this bill provides. There should be a sunset term for this committee.

2. **Elimination of house arrest for 3rd offenders:**

It must be remembered that there is a lifetime look back. House arrest should be maintained for 3rd offenders, subject to the discretion of the court. If the bill changes are approved, no court could order house arrest for a 3rd offender. The court should be able to exercise its discretion on issues of house arrest for 3rd and 4th offenders based on factors that include, but are not limited to the following factors: whether treatment has been obtained, length of time between convictions, family needs, work needs, suitability or unsuitability of work release, and other factors deemed appropriate. It is inappropriate to eliminate judicial discretion. Work release may not be a viable option for all people. House arrest may be the only manner that a person may be able to keep

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Attachment 5

their job. It makes no sense to not enable a person to keep their job so that they will have a greater chance of being successful and alcohol free as a result of that success.

3. **Electronic reporting of arrests and filing of charges:**

This methodology assumes that a person who is charged will become guilty. This violates the concept that the government must meet its burden of proof beyond a reasonable doubt to show each and every element of the crime is true. It violates constitutional considerations of confrontation cross-examination, and equal protection, since DUI accused are treated differently than other people accused of violating the law. This bill establishes a presumption of guilt.

Already insurance carriers are gaining access to information that they should not be gaining access to in the establishment of rates. For instance, insurance companies are gaining access to the reporting of non-moving violations to the Department of Revenue and are basing rates on those revelations of a person's conviction of a non-moving violation even though the law says they cannot. Access to records showing that a mere charge has been filed or that a ticket has been issued could improperly be used by persons or companies who should not have or use this information who can severely damage an innocent accused's rights, assets, and reputation. There are no safeguards in this bill limiting access to this information. There are no penalties for improperly using this information.

Under this bill, once an arrest for DUI occurs, it is reported. Under this bill, once complaint for DUI is filed, it is reported. Once the conviction occurs, it is reported. These are all reporting events that arise following the occurrence of the event. If a charge is not pursued, there is no event to trigger the reporting of this activity because a non-event occurred, the failure to file charges for reasons determined by the prosecutor. It is unlikely that the non-filing of charges, a passive and non-occurring event, will generate the deletion or elimination of

the arrest that has previously been reported from the record. Similarly, if a case is amended or dismissed, it is unlikely that it will be reported to eliminate the arrest and complaint filing that was previously reported. This means that the reputation and record of the person who was not found guilty will be forever tarnished due to the unlikelihood that someone will report a non-occurring event to clean up the record of a person.

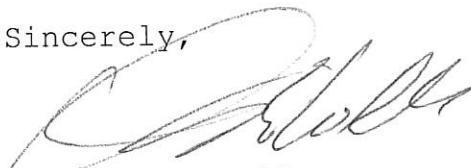
A person is branded as a criminal once a report is made that they were arrested or charged with a DUI. We should not brand our citizens as criminals unless they are convicted. It is human nature to view a person as a criminal if they are accused and to treat them as a subclass citizen accordingly.

This section of the bill will subject governmental entities to a liability for failing to correctly report the non-filing, dismissal of charges, or finding of non-guilt. This could cause expenditure of substantial sums in defending lawsuits and paying judgments. A governmental entity would have very little way of knowing when they needed to sanitize a person's record because they are required to report a non-occurring event. In spite of this, they would have to establish systems that would monitor charges on an ongoing basis so that a reporting would be timely to protect themselves from civil liability. This all costs money that our government units don't have now.

4. **Conclusion:**

The establishment of the Commission is a good idea. Changing house arrest laws and reporting arrests and filing of charges is a bad idea. The latter should not be enacted.

Sincerely,



Douglas E. Wells

DEW/teb



SEDGWICK COUNTY, KANSAS

SHERIFF'S OFFICE
ROBERT HINSHAW
Sheriff

141 WEST ELM * WICHITA, KANSAS 67203 * TELEPHONE: (316) 383-7264 * FAX: (316) 660-3248

February 25, 2009

The Honorable Senator Thomas C. Owens
300 SW 10th. Street
Topeka, Kansas 66612-1504

Senator Owens;

Considering the diversity of the criminal justice systems throughout Kansas and the varied sanctions available, it is felt that SB278 provides for a reasonable default template, but is not an acceptable law for all Kansas jurisdictions. As currently written, the identified sections do not allow for any provisions of house arrest, day reporting, drug courts, etc.

It is the opinion of the Sedgwick County Sheriff's Office that judges should have a continuum of sanctions, based on the specific facts of the case. Without these other provisions being made available to the judges, the result will be that of an immediate, mandated six day jail sentence, resulting in even higher levels of unacceptable inmate populations in some selected Kansas counties.

In Sedgwick County, where county detention facility inmate populations are above capacity, with an average of 241 inmates being housed out of county, and local work release facilities at capacity with long-term "out of custody" waiting lists, mandated imprisonment in county facilities for six days will exponentially create even more local problems. With current overcrowding concerns and no specific DUI treatment programs within the county detention facility, this mandated incarceration potentially minimizes the true need for additional social programs focused on the accountability and rehabilitation of DUI offenders.

Simply asked, why add one more sentencing structure to the list when the Kansas highway safety commission is charged with reviewing past and current DUI statutes in Kansas under Section 1 (b) (1) of this bill?

Your consideration in this matter of significant importance is greatly appreciated.

Sincerely,

Robert L. Hinshaw
Sheriff

Senate Judiciary
2-25-09
Attachment 6

Testimony on SB 278
to
The Senate Judiciary Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections
February 24, 2009

The Department of Corrections supports the formation of the Kansas Highway Safety Commission as recommended by the Substance Abuse Policy Board and contained in SB 278. The Governor and the 2008 Legislature authorized the creation of the Substance Abuse Policy Board (SAPB) under the auspices of the Kansas Criminal Justice Coordinating Council (KCJCC). House Bill 2707 (2008 Session Law, Chapter 183, Section 9) established the SAPB to consult and advise the KCJCC concerning issues and policies pertaining to the treatment, sentencing, rehabilitation and supervision of substance abuse offenders. One of the 20 recommendations that the SAPB made in its final report was the creation of the Kansas Highway Safety Commission to review and examine comprehensively any statutes, treatments, and supervision practices related to driving under the influence (DUI) offenses and offenders. The creation of commissions to study complex issues utilizing the expertise of diverse governmental and private members who can hold hearings involving experts in the field and members of the public provides an opportunity to develop and recommend important policies for legislative consideration.

The existing laws regarding DUIs in this state represent a confusing juxtaposition crossing various organizational structures and data systems. This issue has a significant impact on society and the well being of Kansans. The mandate of the Commission to study and make direct recommendations to the Legislature on the complex issues surrounding Kansas' DUI statutes only serves as the first step in a multi-step process that should be designed to result in a more safe and secure Kansas.

The Department urges favorable consideration of the Kansas Highway Safety Commission contained within SB 278, supports the concept of the amendments offered by the Kansas Sentencing Commission, and suggests the additional inclusion of the Secretary of Revenue and Secretary of Transportation as full members of the Kansas Highway Safety Commission (per our attached balloon). The Secretary of Revenue and the Secretary of Transportation also support our proposed amendment, with Secretary Miller also recommending a change in the name from the more general "Kansas Highway Safety Commission" to a more issue-specific "Kansas DUI Task Force." That change is also contained within our attached balloon.

SENATE BILL No. 278

By Committee on Federal and State Affairs

2-17

9 AN ACT concerning driving under the influence; creating the Kansas
10 highway safety commission; relating to penalties; division of vehicles;
11 district magistrate judges; jurisdiction; amending K.S.A. 20-302b and
12 20-329 and K.S.A. 2008 Supp. 8-1567 and repealing the existing
13 sections.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. (a) There is hereby created the Kansas highway
17 ~~safety commission.~~

18 (b) The commission shall:

19 (1) Review past and current driving under the influence statutes in
20 Kansas;

21 (2) review driving under the influence statutes in other states;

22 (3) review what is effective in changing the behavior of driving under
23 the influence offenders by examining evaluation, treatment and supervi-
24 sion practices;

25 (4) develop a balanced and comprehensive legislative proposal that
26 assures highway safety by changing the behavior of driving under the
27 influence offenders at the earliest possible time and provides for signifi-
28 cant restriction on personal liberty at some level of frequency and quantity
29 of offenses; and

30 (5) assess and gather information on all groups and committees work-
31 ing on issues related to driving under the influence and determine if any
32 results or conclusions have been found to address the issues.

33 (c) The commission shall be made up of the following members:

34 (1) The chairperson and the ranking minority member of the standing
35 committee on judiciary of the senate;

36 (2) the chairperson and the ranking minority member of the standing
37 committee on judiciary of the house of representatives;

38 (3) a district judge, a district magistrate judge and a municipal court
39 judge who exercise regular jurisdiction in driving under the influence
40 cases, each appointed by the chief justice of the supreme court;

41 (4) the attorney general or the attorney general's designee;

42 (5) two prosecuting attorneys who regularly prosecute driving under
43 the influence cases, each appointed by the attorney general;

DUI task force.

, enforcement strategies, and
penalty structure;

centralizes record-keeping so
that offenders are held
accountable and

the chairperson of the Kansas sentencing commission, or a designee;

1 (6) two victim advocates, one appointed by the attorney general and
2 one appointed by the governor;

(12) the secretary of revenue;

3 (7) two persons appointed by the Kansas association of substance
4 abuse professionals;

(13) the secretary of transportation;

5 (8) the secretary of corrections;

6 (9) the secretary of social and rehabilitation services;

7 (10) the superintendent of the Kansas highway patrol or the super-
8 intendent's designee;

(14)

9 (11) ~~one~~ sheriff appointed by the governor;

10 ~~(12)~~ one municipal law enforcement officer appointed by the
11 governor;

12 ~~(13)~~ two defense attorneys appointed by the Kansas state board of
13 indigents' defense services;

Re-number remaining paragraphs "

14 ~~(14)~~ one court services officer appointed by the chief justice of the
15 supreme court; and

16 ~~(15)~~ one parole officer appointed by the secretary of corrections.

17 (d) The members of the commission shall elect officers from among
18 its members necessary to discharge its duties.

19 (e) Each member of the commission shall receive compensation, sub-
20 sistence allowances, mileage and other expenses as provided for in K.S.A.
21 75-3223, and amendments thereto, except that the public members of
22 the commission shall receive compensation in the amount provided for
23 legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each
24 day or part thereof actually spent on commission activities. No per diem
25 compensation shall be paid under this subsection to salaried state, county
26 or city officers or employees, except that the legislative members shall
27 receive compensation as provided in K.S.A. 75-3212, and amendments
28 thereto.

29 (f) The commission shall prepare and submit a report and recom-
30 mendations on or before the first day of the 2010 legislative session and
31 submit a final report and recommendations on or before the first day of
32 the 2011 legislative session.

33 (g) The staff of the legislative research department shall provide such
34 assistance as may be requested by the commission and to the extent au-
35 thorized by the legislative coordinating council.

36 (h) The provisions of this section shall expire on July 1, 2011.

37 ~~Sec. 2. K.S.A. 2006 Supp. 8-1567 is hereby amended to read as fol-~~
38 ~~lows: 8-1567. (a) No person shall operate or attempt to operate any vehicle~~
39 ~~within this state while:~~

Strike the remainder of the bill.

40 (1) The alcohol concentration in the person's blood or breath as
41 shown by any competent evidence, including other competent evidence,
42 as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amend-
43 ments thereto, is .08 or more;