

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Tim Owens at 12:15 a.m. on March 29, 2010, in Room 546-S of the Capitol.

All members were present except:

Senator Les Donovan- excused
Senator David Haley- excused
Senator Jean Schodorf- excused
Senator Dwayne Umbarger- excused

Committee staff present:

Matt Sterling, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Lauren Douglass, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the Committee:

Ed Klumpp, Kansas Assn. of Chiefs of Police; Kansas Sheriffs Assn., & Kansas Peace Officers
Helen Pedigo, Executive Director, Kansas Sentencing Commission

Others attending:

See attached list.

The Chairman opened the hearing on a proposed bill on increasing traffic fines to fund the Department of Corrections Alcohol and Drug Abuse Treatment Fund and the Criminal Justice Information System Line Fund.

Jason Thompson, staff revisor, distributed a proposed draft bill numbered 9rs2120 and reviewed the provisions. (Attachment 1)

Ed Klumpp appeared in support stating the urgency for funding the existing KCJIS lines is the result of AT & T dropping the level of lines currently used at the end of the year. This results in the need to replace the existing lines with a higher capacity line. The need for replacement to higher capacity lines has existed for some time but funds were not requested due to the current economic conditions. KCJIS transmits enormous amounts of data between agencies including law enforcement, the courts, and state agencies. In addition, the funding for the treatment programs for the Department of Correction is important. Recidivism of DUI offenders is very high and this program is an important element to addressing the DUI problem in Kansas. (Attachment 2)

Helen Pedigo appeared in support, providing the Committee data on DUI sentences and indicated the positive impact funding the Alcohol and Drug Abuse Treatment would bring. (Attachment 3)

There being no further conferees, the hearing was closed.

The Chairman called for final action on the proposed bill. Senator Schmidt moved, Senator Vratil seconded, to delete the contents of HB 2226 and insert the contents of the proposed draft bill and recommend S Sub for HB 2226 favorably for passage. Motion carried.

This was the last Committee meeting of the Session.

The meeting was adjourned at 12:40 p.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: March 29, 2010

NAME	REPRESENTING
Ed Kempf	KACP/KPOP/KSA
Kyle Smith	KPOA
DAVID HUTCHINGS	KBI
Steve Montgomery	KBT
Helen Pedigo	KSC
Brenda Harmon	KSC
Melissa Wargeman	KAC
SEAN MILLER	CAPITOL STRATEGIES
Jackson Lindsey	Hein Law
Leri Army	Sandstone Group LLC
Kevin Renee	The Cap. Ldg. Group LLC
Jeff BoHendon	Polsinelli Shughart P.C.
Leslie Kaufman	Co-Op Council
Les Meier	KEANEY & Assoc.
Don Bryan	JCSO

Proposed SENATE Substitute for HOUSE BILL NO. _____

By

AN ACT concerning district court fines, penalties and forfeitures; relating to traffic fines; relating to funding of the alcohol and drug abuse treatment fund; creating the criminal justice information system line fund; amending K.S.A. 2009 Supp. 8-2118 and 74-7336 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2009 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and

Senate Judiciary

3-29-10Attachment 1

plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<u>Description of Offense</u>	<u>Statute</u>	<u>Fine</u>
Refusal to submit to a preliminary breath test	8-1012	\$90 <u>\$105</u>
Unsafe speed for prevailing conditions	8-1557	\$60 <u>\$75</u>
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558	1-10 mph over the limit, \$30 <u>\$45</u>
	to	
	8-1560	
	8-1560a	11-20 mph over the limit, \$30 <u>\$45</u> plus \$6 per mph over 10 mph over the limit;
	or	
	8-1560b	21-30 mph over the limit, \$90 <u>\$105</u> plus \$9 per mph over 20 mph over the limit;
		31 and more mph over the limit, \$180 <u>\$195</u> plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$60 <u>\$75</u>
Violating traffic control signal	8-1508	\$60 <u>\$75</u>
Violating pedestrian control signal	8-1509	\$30 <u>\$45</u>

Violating flashing traffic signals	8-1510	\$60	<u>\$75</u>
Violating lane-control signal	8-1511	\$60	<u>\$75</u>
Unauthorized sign, signal, marking or device	8-1512	\$30	<u>\$45</u>
Driving on left side of roadway	8-1514	\$60	<u>\$75</u>
Failure to keep right to pass oncoming vehicle	8-1515	\$60	<u>\$75</u>
Improper passing; increasing speed when passed	8-1516	\$60	<u>\$75</u>
Improper passing on right	8-1517	\$60	<u>\$75</u>
Passing on left with insufficient clearance	8-1518	\$60	<u>\$75</u>
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$60	<u>\$75</u>
Driving on left in no-passing zone	8-1520	\$60	<u>\$75</u>
Unlawful passing of stopped emergency vehicle	8-1520a	\$60	<u>\$75</u>
Driving wrong direction on one-way road	8-1521	\$60	<u>\$75</u>
Improper driving on laned roadway	8-1522	\$60	<u>\$75</u>
Following too close	8-1523	\$60	<u>\$75</u>
Improper crossover on divided highway	8-1524	\$30	<u>\$45</u>
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$60	<u>\$75</u>

Failure to yield to approaching vehicle when turning left	8-1527	\$60 <u>\$75</u>
Failure to yield at stop or yield sign	8-1528	\$60 <u>\$75</u>
Failure to yield from private road or driveway	8-1529	\$60 <u>\$75</u>
Failure to yield to emergency vehicle	8-1530	\$180 <u>\$195</u>
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$90 <u>\$105</u>
Failure to comply with restrictions in road construction zone	8-1531a	\$30 <u>\$45</u>
Disobeying pedestrian traffic control device	8-1532	\$30 <u>\$45</u>
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$60 <u>\$75</u>
Improper pedestrian crossing	8-1534	\$30 <u>\$45</u>
Failure to exercise due care in regard to pedestrian	8-1535	\$30 <u>\$45</u>
Improper pedestrian movement in crosswalk	8-1536	\$30 <u>\$45</u>
Improper use of roadway by pedestrian	8-1537	\$30 <u>\$45</u>
Soliciting ride or business on roadway	8-1538	\$30 <u>\$45</u>
Driving through safety zone	8-1539	\$30 <u>\$45</u>
Failure to yield to pedestrian on sidewalk	8-1540	\$30 <u>\$45</u>

Failure of pedestrian to yield to emergency vehicle	8-1541	\$30	<u>\$45</u>
Failure to yield to blind pedestrian	8-1542	\$30	<u>\$45</u>
Pedestrian disobeying bridge or railroad signal	8-1544	\$30	<u>\$45</u>
Improper turn or approach	8-1545	\$60	<u>\$75</u>
Improper "U" turn	8-1546	\$60	<u>\$75</u>
Unsafe starting of stopped vehicle	8-1547	\$30	<u>\$45</u>
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$60	<u>\$75</u>
Improper method of giving notice of intention to turn	8-1549	\$30	<u>\$45</u>
Improper hand signal	8-1550	\$30	<u>\$45</u>
Failure to stop or obey railroad crossing signal	8-1551	\$180	<u>\$195</u>
Failure to stop at railroad crossing stop sign	8-1552	\$120	<u>\$135</u>
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$180	<u>\$195</u>
Improper moving of heavy equipment at railroad crossing	8-1554	\$60	<u>\$75</u>
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$60	<u>\$75</u>
Improper passing of school bus; improper use of school bus signals	8-1556	\$300	<u>\$315</u>
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$180	<u>\$195</u>

Impeding normal traffic by slow speed	8-1561	\$30 <u>\$45</u>
Speeding on motor-driven cycle	8-1562	\$60 <u>\$75</u>
Speeding in certain vehicles or on posted bridge	8-1563	\$30 <u>\$45</u>
Improper stopping, standing or parking on roadway	8-1569	\$30 <u>\$45</u>
Parking, standing or stopping in prohibited area	8-1571	\$30 <u>\$45</u>
Improper parking	8-1572	\$30 <u>\$45</u>
Unattended vehicle	8-1573	\$30 <u>\$45</u>
Improper backing	8-1574	\$30 <u>\$45</u>
Driving on sidewalk	8-1575	\$30 <u>\$45</u>
Driving with view or driving mechanism obstructed	8-1576	\$30 <u>\$45</u>
Unsafe opening of vehicle door	8-1577	\$30 <u>\$45</u>
Riding in house trailer	8-1578	\$30 <u>\$45</u>
Improper driving in defiles, canyons, or on grades	8-1579	\$30 <u>\$45</u>
Coasting	8-1580	\$30 <u>\$45</u>
Following fire apparatus too closely	8-1581	\$60 <u>\$75</u>
Driving over fire hose	8-1582	\$30 <u>\$45</u>
Putting glass, etc., on highway	8-1583	\$90 <u>\$105</u>
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$30 <u>\$45</u>

Improper operation of snowmobile on highway	8-1585	\$30	<u>\$45</u>
Parental responsibility of child riding bicycle	8-1586	\$30	<u>\$45</u>
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$30	<u>\$45</u>
Clinging to other vehicle	8-1589	\$30	<u>\$45</u>
Improper riding of bicycle on roadway	8-1590	\$30	<u>\$45</u>
Carrying articles on bicycle; one hand on handlebars	8-1591	\$30	<u>\$45</u>
Improper bicycle lamps, brakes or reflectors	8-1592	\$30	<u>\$45</u>
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$30	<u>\$45</u>
Improper operation of motorcycle on laned roadway	8-1595	\$60	<u>\$75</u>
Motorcycle clinging to other vehicle	8-1596	\$30	<u>\$45</u>
Improper motorcycle handlebars or passenger equipment	8-1597	\$60	<u>\$75</u>
Motorcycle helmet and eye-protection requirements	8-1598	\$30	<u>\$45</u>
Unlawful riding on vehicle	8-1578a	\$60	<u>\$75</u>
Unlawful operation of all-terrain vehicle	8-15,100	\$60	<u>\$75</u>
Unlawful operation of low-speed vehicle	8-15,101	\$60	<u>\$75</u>
Littering	8-15,102	\$100	<u>\$115</u>
Disobeying school crossing guard	8-15,103	\$60	<u>\$75</u>

Unlawful operation of micro utility truck	8-15,106	\$60	<u>\$75</u>
Failure to remove vehicles in accidents	8-15,107	\$60	<u>\$75</u>
Unlawful operation of golf cart	8-15,108	\$60	<u>\$75</u>
Unlawful operation of work-site utility vehicle	8-15,109	\$60	<u>\$75</u>
Equipment offenses that are not misdemeanors	8-1701	\$60	<u>\$75</u>
Driving without lights when needed	8-1703	\$30	<u>\$45</u>
Defective headlamps	8-1705	\$30	<u>\$45</u>
Defective tail lamps	8-1706	\$30	<u>\$45</u>
Defective reflector	8-1707	\$30	<u>\$45</u>
Improper stop lamp or turn signal	8-1708	\$30	<u>\$45</u>
Improper lighting equipment on certain vehicles	8-1710	\$30	<u>\$45</u>
Improper lamp color on certain vehicles	8-1711	\$30	<u>\$45</u>
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$30	<u>\$45</u>
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$30	<u>\$45</u>
No lamp or flag on projecting load	8-1715	\$60	<u>\$75</u>
Improper lamps on parked vehicle	8-1716	\$30	<u>\$45</u>
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$30	<u>\$45</u>

Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$30	<u>\$45</u>
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30	<u>\$45</u>
Improper lamps or lights on emergency vehicle	8-1720	\$30	<u>\$45</u>
Improper stop or turn signal	8-1721	\$30	<u>\$45</u>
Improper vehicular hazard warning lamp	8-1722	\$30	<u>\$45</u>
Unauthorized additional lighting equipment	8-1723	\$30	<u>\$45</u>
Improper multiple-beam lights	8-1724	\$30	<u>\$45</u>
Failure to dim headlights	8-1725	\$60	<u>\$75</u>
Improper single-beam headlights	8-1726	\$30	<u>\$45</u>
Improper speed with alternate lighting	8-1727	\$30	<u>\$45</u>
Improper number of driving lamps	8-1728	\$30	<u>\$45</u>
Unauthorized lights and signals	8-1729	\$30	<u>\$45</u>
Improper school bus lighting equipment and warning devices	8-1730	\$30	<u>\$45</u>
Unauthorized lights and devices on church or day-care bus	8-1730a	\$30	<u>\$45</u>
Improper lights on highway construction or maintenance vehicles	8-1731	\$30	<u>\$45</u>
Defective brakes	8-1734	\$30	<u>\$45</u>

Defective or improper use of horn or warning device	8-1738	\$30	<u>\$45</u>
Defective muffler	8-1739	\$30	<u>\$45</u>
Defective mirror	8-1740	\$30	<u>\$45</u>
Defective wipers; obstructed windshield or windows	8-1741	\$30	<u>\$45</u>
Improper tires	8-1742	\$30	<u>\$45</u>
Improper flares or warning devices	8-1744	\$30	<u>\$45</u>
Improper use of vehicular hazard warning lamps and devices	8-1745	\$30	<u>\$45</u>
Improper air-conditioning equipment	8-1747	\$30	<u>\$45</u>
Improper safety belt or shoulder harness	8-1749	\$30	<u>\$45</u>
Improper wide-based single tires	8-1742b	\$60	<u>\$75</u>
Improper compression release engine braking system	8-1761	\$60	<u>\$75</u>
Defective motorcycle headlamp	8-1801	\$30	<u>\$45</u>
Defective motorcycle tail lamp	8-1802	\$30	<u>\$45</u>
Defective motorcycle reflector	8-1803	\$30	<u>\$45</u>
Defective motorcycle stop lamps and turn signals	8-1804	\$30	<u>\$45</u>
Defective multiple-beam lighting	8-1805	\$30	<u>\$45</u>
Improper road-lighting equipment on motor-driven cycles	8-1806	\$30	<u>\$45</u>

Defective motorcycle or motor-driven cycle brakes	8-1807	\$30 <u>\$45</u>
Improper performance ability of brakes	8-1808	\$30 <u>\$45</u>
Operating motorcycle with disapproved braking system	8-1809	\$30 <u>\$45</u>
Defective horn, muffler, mirrors or tires	8-1810	\$30 <u>\$45</u>
Unlawful statehouse parking	75-4510a	\$15 <u>\$30</u>
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000.....\$25 <u>\$40</u> 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over.....10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000.....\$25 <u>\$40</u> 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over.....10¢ per pound

Failure to obtain proper registration, clearance or to have current certification	66-1324	\$272 <u>\$287</u>
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$122 <u>\$137</u>
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$122 <u>\$137</u>
No authority as private or common carrier	66-1,111	\$122 <u>\$137</u>
Violation of motor carrier safety rules and regulations, except for violations specified in subsection (b)(2) of K.S.A. 66-1,130, and amendments thereto	66-1,129	\$100 <u>\$115</u>

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments

thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1 1/2 times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2 1/2 times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments thereto.

Sec. 2. K.S.A. 2009 Supp. 74-7336 is hereby amended to read as follows: 74-7336. (a) Of the remittances of fines, penalties

and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit:

- (1) ~~11.99%~~ 10.94% to the crime victims compensation fund;
- (2) ~~2.45%~~ 2.24% to the crime victims assistance fund;
- (3) ~~3.01%~~ 2.75% to the community alcoholism and intoxication programs fund;
- (4) ~~2.01%~~ 7.65% to the department of corrections alcohol and drug abuse treatment fund;
- (5) ~~0.17%~~ 0.16% to the boating fee fund;
- (6) ~~0.12%~~ 0.11% to the children's advocacy center fund;
- (7) ~~2.50%~~ 2.28% to the EMS revolving fund;
- (8) ~~2.50%~~ 2.28% to the trauma fund;
- (9) ~~2.50%~~ 2.28% to the traffic records enhancement fund; and
- (10) 2.91% to the criminal justice information system line fund; and

~~(10)~~ (11) the remainder of the remittances to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.

New Sec. 3. There is hereby created in the state treasury the criminal justice information system line fund. All moneys credited to the criminal justice information system line fund shall be used by the Kansas bureau of investigation for the

purpose of providing communications lines, outlets and terminals to each county for the Kansas criminal justice information system, as required by K.S.A. 74-5702, and amendments thereto. All expenditures from the criminal justice information system line fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas bureau of investigation or the director's designee.

Sec. 4. K.S.A. 2009 Supp. 8-2118 and 74-7336 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.



**Kansas Association of
Chiefs of Police**

PO Box 780603
Wichita, KS 67278
(316)733-7301



**Kansas Sheriffs
Association**

PO Box 1853
Salina, KS 67402
(785)827-2222



**Kansas Peace Officers
Association**

PO Box 2592
Wichita, KS 67201
(316)722-8433

Funding for KCJIS lines

The urgency for funding for the existing KCJIS lines is the result of AT&T dropping the level of lines currently used by KCJIS at the end of this calendar year. We checked on the status of the intent to drop that service on that date and AT&T informed us they have worked out the technical problems that had delayed an earlier deadline, and the end of this year is still their intended date to drop the service. This results in the need to replace these lines with a higher capacity line. Actually the need for higher capacity lines has been present for some time, but any effort to make the change has been thwarted by the current state budget challenges. The existing lines are 56k lines, the same slow dial up lines all of us used to use years ago for internet connection, and have not been upgraded since they were initially installed 14 years ago. KCJIS today transmits enormous amounts of data between agencies. The need for a much greater capacity is urgent.

Currently the KBI has \$291,000 in their budget for these lines. The new lines will require an additional \$380,000 in FY2011 and \$402,400 in FY2012 and on plus a one-time funding of \$62,000 in FY2011. The proposed funding should provide very close to the entire funding needed for the ongoing costs. Some of the existing funding, including the \$62,400 will need to be retained in the FY2011 general fund budget for these lines.

This proposal for funding will provide an ongoing funding source for these lines. This will allow for the existing general fund dollars used for these lines to be diverted to other needs, preferably other needs within the KBI budget. Fine money is an appropriate source for this funding. A majority of the law enforcement queries are related to traffic stops and traffic accidents.

The funding for the treatment programs for DOC are also important. Recidivism of DUI offenders is very high and has troubling results endangering many law abiding Kansas citizens. We know this treatment will reduce recidivism. It is an important element to addressing the DUI problem.

We encourage you to recommend this funding source favorably for passage.

Ed Klumpp
Kansas Association of Chiefs of Police, Legislative Committee Chair
Kansas Sheriffs Association, Legislative Liaison
Kansas Peace Officers Association, Legislative Liaison
E-mail: eklumpp@cox.net
Phone: (785) 235-5619
Cell: (785) 640-1102

Senate Judiciary
3-29-10
Attachment 2

KCJIS Circuit Upgrade

Background

- Since KCJIS' inception in 1996 the state has provided a 56K communication line (circuit), roughly the equivalent of dialup speed, to each county (please see page 2 for a brief description of KCJIS). The line capacity has not been upgraded since inception.
- Each county may, at its discretion, upgrade the circuit and pay the increased cost.

What are the problems?

- The existing circuit technology is being discontinued by the vendor in favor of newer technology. The state contract for the existing technology will expire December, 2010.
- 56K is no longer sufficient for KCJIS communications.
 - 60 counties now submit electronic identification information – fingerprints, palm prints, mugshots, palm prints, scars/marks/tatoos. The number of 'livescans' has increased by 15% in the last year.
 - DL Photos, mugshots, scars/marks/tattoos, none of which were utilized when the 56K circuits were first provisioned, are now routinely transmitted through the KCJIS network.
 - Local law enforcement agencies are abandoning the 56K circuits for cheaper, non-guaranteed open Internet connections.

What is the solution?

- Upgrade the KCJIS circuits to the newer technology provided via DISC.
- Increase the bandwidth to 1.536M (T1) to each county.

Why is this a good decision?

- It maintains the statutory obligation of providing minimum standards for interconnecting each county.
- KCJIS communication continues to occur over guaranteed, dedicated circuits.
- Adequate bandwidth is provided for not only critical transactional communications (inquiries and updates) but also for DL photos, mugshots, scars/marks/tattoos, and fingerprints that are by today's standards critical to law enforcement.

What are the consequences of inaction?

- The existing circuits will be abandoned.
- Important law enforcement communication for amber alerts, be-on-the-lookout notices, hit confirmations and emergency response will be non-guaranteed and intermixed with ordinary Internet surfing, video browsing, etc.
- KCJIS communications will be at risk and most vulnerable to disruption when needed most – during an emergency such as 9/11 or hurricane Katrina.

What is the cost?

- Assuming the current 56K allocation of \$291,000 is continued
- FY11 need – \$442,400 above the current allocation.
 - \$380,000 for circuits, assuming 21 counties are migrated each month over the 5 month period July-November. Actual costs will be dependent upon DISC/AT&T implementation schedule.
 - One time hardware upgrade expense of \$62,400.
- Additional need, FY12 and beyond - \$402,423 above the current allocation.

What is KCJIS?

The KBI, on behalf of the Kansas Criminal Justice Information System (KCJIS), maintains and supports the state's central message switch and other core KCJIS hardware, software and interfaces. The KCJIS is utilized by over 9000 criminal justice and law enforcement users in over 1700 agencies across the state, providing 24x7x365 access to sensitive, criminal justice related data and a secure, instantaneous resource with which to communicate with one another. This access is used for the protection of our nation by providing the means for distributing immediate homeland security notifications to law enforcement, and for providing criminal justice agencies with time-sensitive, critical information maintained in national, state, and local databases.

KCJIS:

- Processes over 2.5 million transactions (inquiries/responses) every month as state and local agencies access Kansas vehicle, driver's license, wanted persons and criminal history data.
- Processes over 20,000 fingerprints each month into the state Automated Fingerprint Identification (AFIS) system.
- Connects Kansas law enforcement, prosecutors and courts to national data sources, such as the FBI's National Crime Information Center (NCIC) and wanted persons, suspected terrorists, stolen property, registered sex offenders, Interstate Identification Index (III), and IAFIS.
- Connects Kansas criminal justice agencies to criminal justice systems in other states, and vice-versa, allowing split-second access to inter-state criminal history, driver and vehicle information.

Figure 10: DUI Sentences

FY 2001, FY 2005 through FY 2009

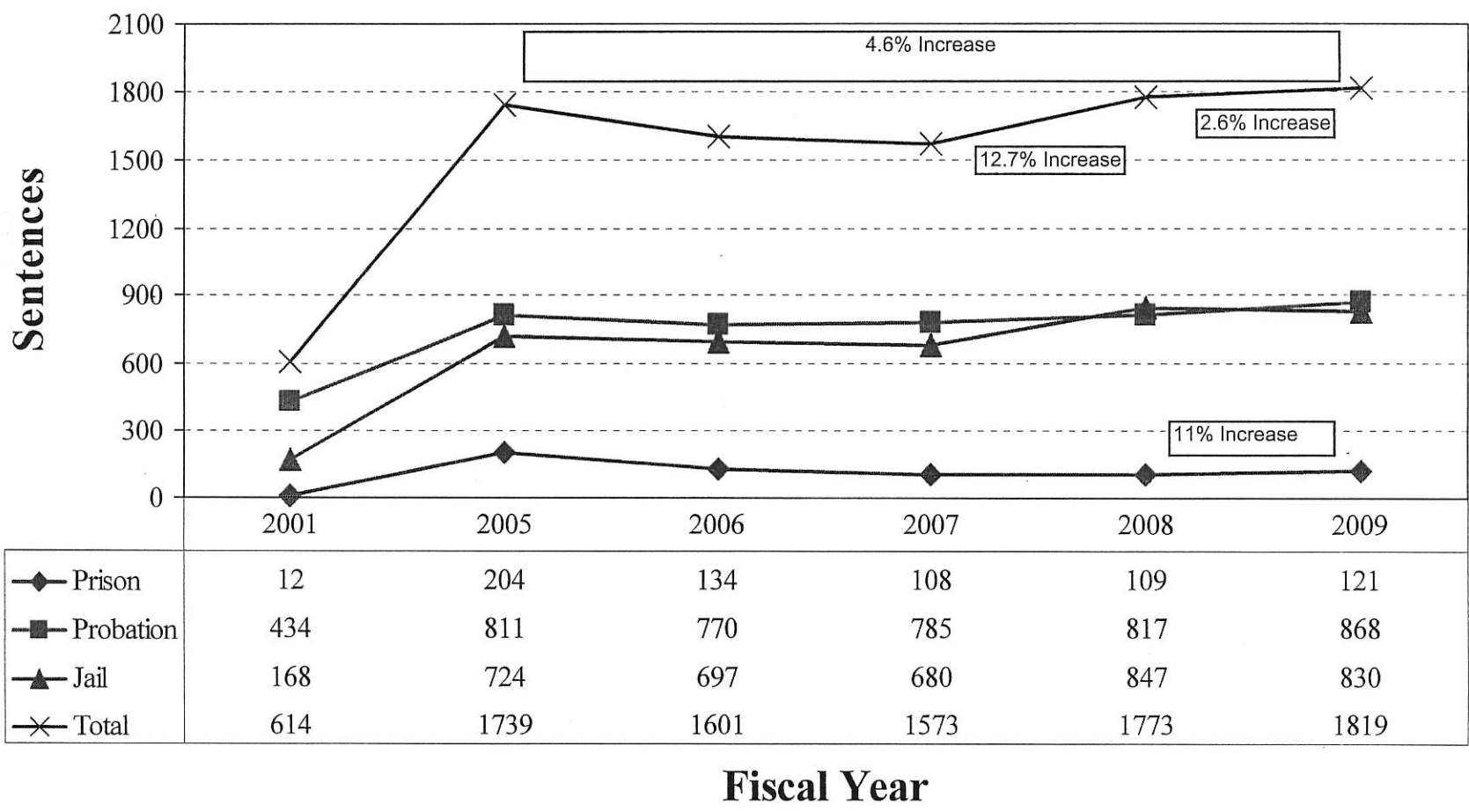
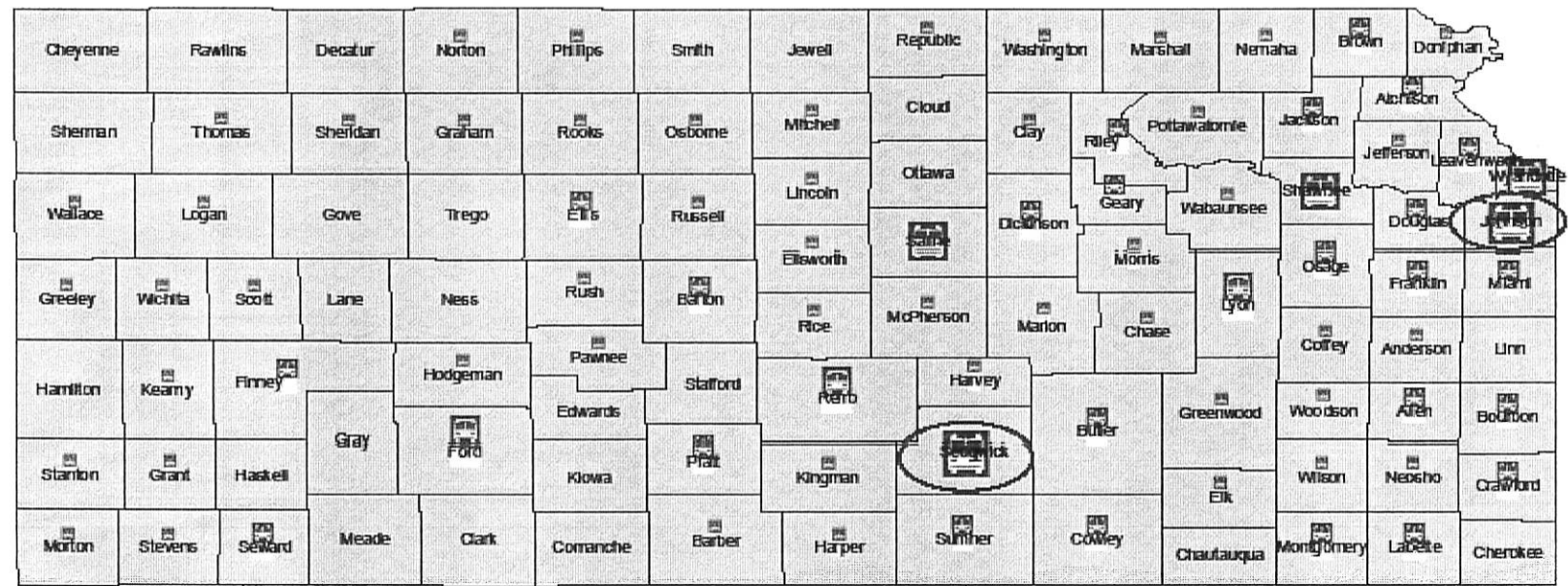


Figure 11: FY 2009 DUI Offense By County



- 1 - 10
- 11 - 30
- 31 - 60
- 61 - 100
- 101 - 457

Johnson County, imposing 349 sentences (19.2%) and Sedgwick County, imposing 457 sentences (25.1%) were the top two counties of conviction for felony DUI FY 2009.

