

Testimony in Support of HB 2216

Senate Judiciary Committee

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Citizen Lobbyist

For the past 40 years, I have been working with low income people, trying to reduce the impacts of poverty on their lives. When I left my position as Executive Director of Kansas Legal Services, this is one of the things I was most excited to lobby for. I support this bill based primarily on parity.

In 2022, the Legislature gave courts the option to incarcerating 3rd time DUI offenders. In eliminating the mandatory 90 days in jail, the Legislature understood that jail time might be the correct punishment in some situation, but not in all. HB 2377, last session, shortened the period of required incarceration to 48 hours for DUI offenses.

Unfortunately, the penalty for driving while suspended had no comparable modification. Without this bill, a Judge must order the incarceration of a 3rd time Driving While Suspended to 90 days of incarceration. This bill would modify that to a period of confinement that could include work release or house arrest. It would require a 48 hour period of incarceration, before any other method of serving the sentence was used. This would allow people to continue with employment, caring for children and other activities that are good for their future. It would provide some level of accountability. It would provide equivalency with the DUI law.

There is no equivalency regarding the threat to others between DUI offenders and those who drive without a valid driver's license because they cannot navigate the process required to get their license restore or they cannot pay the amount required to do that. This bill would allow a court to look at the situation and make a decision about how best to provide consequences and accountability for these people.