



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

TESTIMONY TO THE SENATE JUDICIARY COMMITTEE  
ON SB 7  
JANUARY 27, 2011

Chairman Owens and Members of the Committee:

I appreciate the opportunity to offer testimony on SB 7.

The Kansas Association of Counties recognizes the tremendous work of the DUI Commission and their development of new legislation to curb DUIs. We applaud their efforts to move Kansas to the forefront on alternative methods to address DUIs.

However, Kansas counties must go on record with concerns about the impact of the legislation on county jails and county funds. We have no concerns with the public policies created in the legislation; our concern is limited to fiscal effects.

We monitored the legislation while it developed within the Commission, and have reviewed the contents of the bill. Nevertheless, we are still unsure of the ultimate effects on county jail populations.

Provisions that might increase county jail populations include a new crime of refusing to submit to a breath test. Individuals convicted of this new crime will go to county jails. Judges can no longer depart on sentences; thus, we believe individuals will spend more time in jails under this legislation. Diversions are limited, thus, we believe more individuals will go to jail.

However, while DUIs of first, second and third convictions will go to county jails, fourth DUIs no longer will. Fourth DUIs obviously serve the longest sentence when incarcerated in county jails, and we will gladly give up this responsibility.

In short, we cannot anticipate the net effect on county jails. There are Kansas counties now that are struggling with overcrowded jails and must ship out inmates and pay rent to other facilities to house them. Aside from jail overcrowding, counties are financially strapped, just as the state is.

Kansas counties are generally concerned about the influx of felons to county jails, when historically felons were placed with the State Department of Corrections. While this issue is not

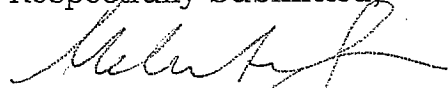
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Senate Judiciary  
1-28-11  
Attachment 3

specific to SB 7, SB 7 continues the trend of placing 3<sup>rd</sup> DUI felons in county jails.

In conclusion, KAC cannot support SB 7 at this time, given the unknown costs to counties. We will continue studying the effects of SB 7 and continue the dialogue with the Kansas legislature in hopes that we can resolve any concerns.

Respectfully Submitted,



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