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Senate Judiciary Committee

Hearing on SB 7

Thursday, Jan. 26, 9:30 a.m. Room 548S

Chairman Owens and members of the Senate Judiciary Committee:

Thank you for this opportunity to comment on SB7 dealing with the prosecution of citizens arrested for driving while under the influence (DUI).

The City of Wichita is supportive of the efforts of the DUI Commission to improve public safety by enacting effective reforms. However, as you consider the various aspects of SB7, please take into consideration the following points that will impact prosecution of DUI offenses in Municipal Court.

- 1) SB7 creates another DUI violation with mandatory jail time for refusal to take a breathalyzer test. Additional DUI violations carry a fiscal impact on the City of Wichita because of jail fees assessed against local municipalities by Sedgwick County.
- 2) SB7 will require Municipal Courts to adopt different assessment tools and processes. Significant cost and implementation time will result from the requirement that probation officers be licensed to perform in-house assessments. Compliance with this change by the July 1, 2011, deadline will be extremely difficult.
- 3) The bill effectively eliminates ADSAP funding for the City of Wichita. Annually, the City collects approximately \$150,000 – \$175,000 in ADSAP funding. This funding pays for three Municipal Court positions (probation officer, docket clerk, clerk III) and training. Even if an evaluation fee is assessed, it would not be sufficient to support the three positions and the current level of evaluations. Elimination of these positions would negatively impact probation case management and potentially result in increased DUI filings.
- 4) Because of the financial and administrative outcomes of SB7, it may be difficult for Municipal Courts to continue to prosecute DUI offenses under this proposed legislation. If all DUI offenses become the responsibility of District Courts, consideration should be given to the necessary resources required to allow for prosecution of all offenses. Community safety would not be well served if DUI offenses are not prosecuted because of lack of judicial resources.

Senate Judiciary

1-28-11

Attachment 8