

Testimony on House Substitute Senate Bill 6:

Good afternoon, members of the Senate Judiciary and Corrections Committees. My name is Gene Johnson, Chairman of the Board of Sunflower Alcohol Safety Action Project.

Our organization is opposed to the enacted language in H.B. Sub for S.B. 6. Under the law passed by the Legislative Session of 2011, the concept of the Alcohol Safety Action Project was eliminated.

The Sunflower Alcohol Safety Action Project has been serving the Third Judicial District since 1984. Administrative Judge Nancy Parrish, with the approval of the remaining judges in the Third Judicial District, has positively supported our organization by continuing to re-certify our agency.

The Alcohol Safety Action Project was initially funded by the National Transportation Safety Agency in early 1970. The agency goal was to promote driving safety by reducing alcohol-related fatalities as a result of drinking drivers. The Third Judicial District won approval for a two year grant to maintain a system to deal with DUI offenders from the time of apprehension through completion of probation and alcohol education or treatment as deemed necessary by an alcohol evaluation. The evaluation also provided a presentence report as provided in K.S. A. 8-1008. This language was deleted in the 2011 legislative session. Driving record, criminal history, family history and employment history, necessary to complete an in depth presentence report, are no longer required for an evaluation.

The bill passed last year calls for an evaluation of alcohol / drug problems but nothing further, and insures that the only information the evaluator has available is that provided by the defendant.

In addition, the language passed in 2011 established an evaluation fee not to exceed \$150, to be paid at the time of evaluation. The fee is not to be part of the sentencing by the court. This creates two problems. The language not to exceed \$150 invites the possibility of the defendant shopping for the cheapest evaluation available. It is suggested that the evaluation fee should be standardized to create a level playing field. Secondly, there is no alternative provided for those who cannot or will not pay for an evaluation. If a defendant has failed to have any evaluation in a month, or three months, or six months, should the court continue to delay sentencing?

The Board of Sunflower Alcohol Safety Action Project requests an exception be made allowing the Third Judicial District to revert to the language under K.S.A. 8-1008 in effect prior to the 2011 Legislative Session.

The ASAP Project would be certified to perform those duties as provided by statute with approval of the administrative judge and all judges in that District for four years. Those employed as evaluators for presentence investigation would continue to be licensed by the Board of Behavioral Sciences.

We would request the legislature immediately take action on this proposal and restore the language in K.S.A. 8-1008 prior to July 1, 2012 for the Third Judicial District

Thank you. I will attempt to answer any questions concerning this testimony.

Sincerely,

Gene Johnson  
Chairman, Board ASAP