

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2218

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2218 would amend the law concerning when a law enforcement officer is required to request a person submit to alcohol or drug testing. Specifically, the bill would add to language concerning an officer's reasonable grounds to believe the person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs (DUI) to require that the officer have such a belief "at the time of the request." Further, the bill would require an officer to request alcohol or drug testing when the officer has such a belief and the person has been arrested or otherwise taken into custody for any violation of any state statute, county resolution, or city ordinance. Testing already is required if the person is arrested or taken into custody for a DUI offense.

The bill also would add clarifying language concerning DUI offenses committed by persons under the age of 21 and replace "drive" with "operate."

Background

In the House Committee on Corrections and Juvenile Justice, representatives of the Kansas Bureau of Investigation, Kansas County and District Attorneys Association, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association offered testimony in support of the bill. No others offered testimony.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Division of the Budget's fiscal note indicates passage would require revision of the implied consent and hearing order forms. The Department of Revenue estimates revising, printing, and mailing the forms would cost \$20,000, which would be paid from the agency's Vehicle Operating Fund. The fiscal note also states any effect on state and local law enforcement likely would be accommodated within existing resources. Any fiscal effect is not included in *The FY 2014 Governor's Budget Report*.