

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2689

As Amended by House Committee of the Whole

Brief*

HB 2689, as amended, would amend the law concerning driving while a person's license is canceled, suspended, or revoked, the penalty for which is based on whether an individual has previously been convicted of that offense. The bill would provide that in determining the sentence of an individual whose license is canceled, suspended, or revoked because of a conviction of driving under the influence (DUI), commercial DUI, or test refusal, for the purposes of determining whether a conviction is a first, second, third, or subsequent conviction, only convictions occurring in the immediately preceding five years, including prior to July 1, 2014, would be taken into account. When a person's license is canceled, suspended, or revoked because of failure to maintain liability insurance coverage, on a third or subsequent conviction, only convictions occurring on or after July 1, 2001, would be taken into account. When a person's license is canceled, suspended, or revoked because the person was convicted of murder or manslaughter resulting from the operation of a motor vehicle or of being a habitual violator, all convictions occurring during the person's lifetime would be taken into account.

Background

In the House Judiciary Committee, a municipal court judge and a representative of Center of Hope, Inc. offered testimony in support of the bill.

*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 House Committee amended the bill to clarify convictions occurring on or after July 1, 2001, would be taken into account when a person's license is canceled, suspended, or revoked because of test refusal or failure to maintain liability insurance coverage. Additionally, the House Committee added language to provide that all convictions occurring during the person's lifetime would be taken into account when a person's license is canceled, suspended, or revoked because the person was convicted of murder or manslaughter resulting from the operation of a motor vehicle or of being a habitual violator.

The House Committee of the Whole amended the bill to clarify amendments made by the House Judiciary Committee. The House Judiciary Committee amendments inadvertently included test refusal in provisions stating convictions occurring on or after July 1, 2001 would be taken into account during sentencing. Test refusal also is included in provisions stating only convictions occurring in the immediately preceding five years would be taken into account. The House Committee of the Whole amendment would clarify that test refusal would be subject only to the five-year lookback period.

The fiscal note prepared by the Division of the Budget indicates passage of the bill, as introduced, would have no fiscal effect on the Judicial Branch. While there would be no effect on prison bed space, the limits placed on the time periods for whether previous convictions would be considered first, second, third, or subsequent convictions could result in small reductions to jail time from offenders who would otherwise receive reduced sentences under the new criteria. However, the Kansas Association of Counties indicates it is likely the fiscal and bed space effects on county jails would be negligible.