

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Tim Owens at 9:45 a.m. on February 25, 2009, in Room 545-N of the Capitol.

All members were present except:  
Senator Julia Lynn- excused

Committee staff present:  
Jason Thompson, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Karen Clowers, Committee Assistant

Conferees appearing before the committee:  
Richard Samaniego, Kansas County & District Attorneys Association  
Ed Klumpp, Kansas Association of Chiefs of Police & Kansas Peace Officers  
Stuart Little, Kansas Association of Addiction Professionals  
Pete Bodyk, Kansas Department of Transportation  
Jennifer Roth, Kansas Association of Criminal Defense Lawyers  
Michael Stover, Undersheriff, Sedgwick County

Others attending:  
See attached list.

The Chairman reopened the hearing on **SB 278 - Creating the Kansas highway safety commission; penalties for driving under the influence; district magistrate judge jurisdiction for DUI cases.**

Richard Samaniego testified in support of the creation of a DUI Commission to continue the effort to develop a comprehensive approach to the problems in Kansas. The Kansas County & District Attorneys Association urged caution in making any substantive changes to current DUI laws and requested an appointment of a member to the Commission. ([Attachment 1](#))

Ed Klumpp appeared in favor stating it is time to get tough on DUI offenders and enhancement of DUI reporting. Mr. Klumpp also voiced concern regarding the impact proposed sentencing changes may have on local jails and urged changes should not be implemented without the study results. ([Attachment 2](#))

Stuart Little testified in favor requesting a technical correction on page 2, line 3, to the correct agency title to Kansas Association of "Addiction" Professionals. ([Attachment 3](#))

Pete Bodyk appeared in support, requesting two changes to the bill. The first change to Section 1, appoint the Secretary of Transportation or designatee as member of the commission. The second change to add to Section 1, (b) (3) "enforcement strategies and penalty structure." ([Attachment 4](#))

Jennifer Roth spoke in opposition stating while the Association of Criminal Defense Lawyers support the establishment of the DUI Commission there is concern regarding the elimination of house arrest for 3<sup>rd</sup> offenders. It must be remembered this is a lifetime look back and the house arrest should be maintained subject to the discretion of the court. Ms. Roth also voiced concern regarding the electronic reporting at the time of arrest indicating this assumes guilt based on charges only. There is no trigger to remove a reported arrest if charges are not filed or if a case is amended or dismissed. ([Attachment 5](#))

Michael Stover appeared in opposition stating his concern that the bill does not allow for any provisions of house arrest, day reporting, drug courts, etc. Judges should have a continuum of sanctions available. Without these sanctions, the result will be a mandated six day jail sentence increasing inmate populations of local jails of which many are already above capacity. ([Attachment 6](#))

Written testimony in support of **SB 278** was submitted by:  
Roger Werholtz, Secretary, Kansas Department of Transportation ([Attachment 7](#))

The next meeting is scheduled for February 26, 2009. The meeting was adjourned at 10:30 a.m.