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LES MASON  
73RD DISTRICT

To: House Committee on Judiciary  
The Honorable John Barker, Chair

Date: February 4, 2015

Re: HB 2115, aka Mija Stockman's law

Thank you, Chairman Barker and members of the committee for the opportunity to appear today to testify on HB 2115, also known as Mija Stockman's law. You will later hear testimony as to the personal impact of the referenced crime, and the value of this change to prosecutors, but my role here is to speak to why this bill was introduced.

Mija Stockman is a beloved member of both the Lindsborg and McPherson communities, living in the former and teaching in the latter. While driving to work on December 20, 2013, her vehicle was struck by a drunk driver, who was arrested a month later and charged with aggravated battery. Mija's life, and that of her family's had been changed forever. Her assailant was convicted and sentenced to 34 months...less time served, and possibility of a reduced sentence for good behavior.

After that verdict came down, I reached out to Rep. Steven Johnson, who represents the area including Lindsborg. We agreed that the punishment seemed minimal and would be worth checking in to. Subsequent research revealed that the prosecutor and judge, indeed followed the existing statutes, and aggravated battery was what they had available in their "toolbox". Hence, the call for change.

Briefly summarized, HB 2115 would seek to amend the crime of aggravated battery (K.S.A. 21-5413(b)) to increase the penalties for committing an aggravated battery while driving under the influence (referred to as violating K.S.A. 8-1567).

A new provision in subsection (b)(3)(A) would separate violations where permanent disability of another person results from such act and violations where other harm occurs.

Under current law, violations where permanent disability occurs is a severity level 5, person felony; under the bill, a violation of subsection (b)(3)(A) is a severity level 4, person felony.

While it's clear that we can't do anything legislatively to ease the burden or suffering of the extended Stockman family, it's my hope that we can honor their struggle now and for years to come, by assuring the next time this happens the punishment more appropriately fits the crime.

Mr. Chairman, members of the committee, thank you for your kind attention and consideration, and urge that this bill would be passed out of committee favorably. I am prepared to stand for any questions you might have.

Les Mason  
Kansas House of Representatives  
District 73

## Man gets three years in Lawrence amputation wreck

THE ASSOCIATED PRESS

01/23/2015 8:21 AM | Updated: 01/23/2015 8:21 AM

LAWRENCE – A University of Kansas graduate was sentenced to three years in county jail for an accident that cost another KU student his legs.

Julian M. Kuszmaul, of Lawrence, was sentenced Thursday after being convicted in December of second-offense DUI, refusing to submit to alcohol or drug testing and possession of marijuana.

Prosecutors say that in August 2012, Colby Liston was pinned between a vehicle driven by Kuszmaul and another car, which was parked illegally in the 1600 block of Tennessee St.

After the accident Liston, who is now 20, had his legs amputated above the knees.

The Lawrence Journal-World (<http://bit.ly/1CYehPH>) reports blood tests showed Kuszmaul had a blood-alcohol content of 0.25, three times the legal limit of 0.08, when he struck Liston.

Kuszmaul's attorney said he plans to an appeal.