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JACK THIMESCH
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House Bill 2159
House Judiciary Committee

Mr. Chairman and Members of the Committee,

I come to the committee today in support of HB 2159. The bill before you is a bill that would extend a second chance to those Kansans who have learned from their mistake of driving under the influence. This legislation would allow Kansans who have made reparation for driving under the influence to find employment more easily and would also help to reduce recidivism.

I appreciate the legislature passing legislation last session that reduced the waiting period to expunge a DUI from 10 years after satisfying the sentence imposed or the terms of the diversion agreement to seven years after having done so. However, I believe that a seven-year waiting period to expunge a DUI diversion or misdemeanor conviction is still too long.

While the waiting period is now seven years for expungement of a DUI diversion or misdemeanor conviction, Kansas law allows all other misdemeanor convictions to be expunged after three years. HB 2159 would change the current expungement law to align the waiting period for a DUI diversion or misdemeanor conviction with the three-year waiting period for all other misdemeanors. This bill only affects expungement of DUI diversions and misdemeanor convictions; it leaves in place a seven-year waiting period for expungement of a felony DUI conviction.

This bill would not do anything to change Kansas's DUI penalties. Also, as with any other expunged conviction in Kansas, while the expunged DUI diversion or conviction would not exist to the public, the KBI would still maintain a record of the diversion or conviction. Thus, even after having a DUI diversion or conviction expunged, if the person commits the offense again, he or she can be prosecuted as a repeat offender accordingly.

In a January 7, 2015 op-ed in Politico Magazine entitled *The Overcriminalization of America*, Charles Koch calls for legislators to restore rights to non-violent ex-offenders. He poses the questions: "If ex-offenders can't get a job, education or housing, how can we possibly expect them to have a productive life? And why should we be surprised when more than half of the people released from prison are again incarcerated within three years of their release?"

Requiring someone to carry a DUI mistake with them for seven years while applying for employment is not motivation for that person to reform and avoid repeating the offense. If these people know that they have a chance to expunge the diversion or misdemeanor conviction in shorter time after satisfying the penalties for the offense, it makes sense that they will be much less likely to repeat.

This legislation stands as a tool for those Kansans who made the mistake of driving under the influence to rebound. It gives these Kansans the opportunity to put the mistake behind them and move on with a successful career after a more reasonable period of time. I am of the firm belief that a good job is one of the best deterrents to a DUI ex-offender reoffending. I stand in support of this legislation and urge each of you to vote yes on HB 2159.