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To: Senate Judiciary Committee

From: Ryan S. Ginie

Date: January 11, 2016

Subject: H.V. 2289 - Regarding Administrative Driver's License Hearings

Chairman Barker and Members of the Committee:

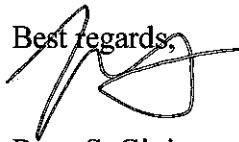
I would like to thank the committee for taking the time in considering this important bill, and ask that you please accept this letter in Support of H.B. 2289 on behalf of our firm and clients. In review of the proposed changes through the Bill, it appears to address at least two extremely important issues that need to be addressed in administrative hearings.

First, neither attorneys, nor those representing themselves, are currently allowed the opportunity to request and review a police report prior to a hearing. The current law only allows for the right to review a video, and only in a manner allowed by law enforcement. This process includes having to physically go to a police station to review it. Unless the criminal portion of the case have been filed, there is no access to the police reports for an administrative hearing. I have had to represent many clients where I was only afforded the opportunity to review a video at the police station, and then later hope than an officer would be polite enough to let me briefly review the police report minutes prior to the administrative hearing. Even when that happens, having only a couple minutes to review a report does not allow for due process, or the proper time to prepare on behalf of a client. This is an inherently unfair procedure.

Secondly, the current law does not take into account whether a driver was illegally or unconstitutionally stopped. A driver can currently be stopped for no reason at all, and there are no consequences for the fact that their constitutional rights have been violated. The way the law is written at this time allows for an abuse of power and is a recipe for disaster. I don't want someone driving in violation of our DUI laws as much as anyone else, but we can't lose sight in the fact that we are currently allowing violations of constitutional rights to go unwatched in the process.

I ask that you please pass the bill, and help make the changes that allow for a fair process and hearing, and that the people traveling within the State of Kansas are afforded their constitutional rights. This includes the right to not be illegally seized or stopped, along with fair, due process for hearings. I wish I could be present for the hearing. I would gladly answer any questions, or discuss the matter further with anyone if so desired. Thank you for your time and consideration on this important matter.

Best regards,

A handwritten signature in black ink, appearing to be 'RG' or similar initials, written over the text 'Best regards,'.

Ryan S. Ginie