

**Blake A. Robinson
ATTORNEY at LAW**

**211 S. 4th Street
Manhattan, KS 66502
blake@manhattankslaw.com**

**Phone: 785-669-0077
Fax: 206-339-3305**

January 11, 2016

House Judiciary Committee
Kansas House
Topeka, KS 66612

RE: House Bill 2289

Chairman and Members of the Committee:

Please accept this letter in support of House Bill 2289. I believe that this amendment improves the law of the State of Kansas and furthers the protections intended by the Constitutions of both Kansas and the United States. As a regular DUI litigant I believe there are several reoccurring issues that are addressed by the proposed modifications.

The most glaring of these issues is the precedent laid by the decision in *Martin v. KDR*, 285 Kan. 625, 176 P.3d 938 (2008). This decision essentially erases public protections against ill-gotten evidence resulting from illegal searches and seizure. An officer's reasonable suspicion of criminal activity is a necessary prerequisite to making unsolicited contact between the government and the public. To reduce this requirement permits a governmental intrusion that violates our right to be left alone.

The remedy against this intrusion is the exclusion of ill-gotten evidence from criminal proceedings. While the suspension of a driver's license does not equate in severity to a criminal accusation, a driver's license suspension is often the most burdensome of the punishments arising from DUI charges. Lack of public transportation and the sparse density of the Kansas population exacerbates this burden, and yet every innocent Kansas citizen has the highest level of exposure to this unchecked police power.

The issue of discovery in driver's license proceedings goes hand in hand with the issue above. The right to fully examine the evidence against you is a fundamental right in all criminal proceedings. Enactment of this legislation, which requires disclosure of the evidence against an accused in an administrative hearing aligns with the notions of fair play and preserves due process. Based on the current function of the law it is clear the State of Kansas intends to provide due process before suspension of driving privileges under this statute. With the addition of this language and the requirement for providing police reports before administrative hearings that goal is furthered and rights of the innocent are better protected.

Finally, the matter of breath test reliability: The addition of the proposed language only ensures the reliability of a test that is often the only quantitative evidence in any DUI case. The assurance that a test and those methods are reliable should be a given when the lynchpin between guilty and innocent can be this single test.

Regards,

A handwritten signature in black ink, appearing to read 'BA Robinson', with a stylized flourish at the end.

Blake A. Robinson