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TO: House Judiciary Committee

From: Andrew S. Talge

Dated: January 11, 2016

RE: H.B. 2289 - Administrative Driver's License Hearings

Dear Chairman Barker and Members of the Committee:

Thank you for allowing me to submit written testimony to this Committee regarding H.B. 2289. I believe that H.B. 2289 should be adopted. It protects the citizens of our state.

When a driver is pulled over and an administrative suspension is issued to the driver, the driver can request an administrative hearing to challenge the suspension of his or her driving privileges. The current statute does not allow for the discovery of the police report under the administrative proceeding and in Leavenworth and Douglas Counties and many other counties, we are not allowed to have the reports. This means that when the administrative hearing happens, a citizen of this State may be going into the hearing blind without having an opportunity to review the police reports and/or video of the stop. This problem is further compounded by the fact that the driver has the burden at the hearing to disprove the evidence against him. The solution to this problem can be found by the adoption of H.B. 2289.

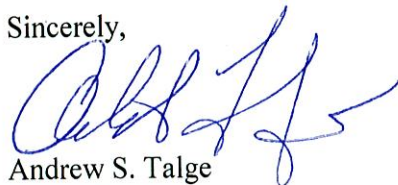
Secondly, under the current law a driver cannot challenge the validity of law enforcement stopping their vehicle in the administrative hearing. A police officer may stop a vehicle without probable cause, without a traffic infraction, or without seeing a crime being committed. The driver may prevail in the criminal courts of this State in having the evidence suppressed but the driver has no such right in a driver's license administrative hearing and as a result could have his license suspended for a illegal stop.

The ramifications to a driver in a driver's license hearing are substantial, they could lose their license for a number of years.

H.B. 2289 will allow the driver to challenge the validity of the stop, to prevent unlawful stops from harming a driver's privileges. The statute should be amended to ensure a fair and just hearing.

I urge you to adopt H.B. 2289 to allow the citizen's of this State a fair hearing. Thank you for considering my testimony.

Sincerely,



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