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Substitute for House Bill 2159
Senate Judiciary Committee

Mr. Chairman and Members of the Committee,

I come to the committee today in support of Substitute for 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 work of House and Senate conferees last session that resulted in the legislature reducing the waiting period to petition the convicting court 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 petition to expunge a DUI diversion or conviction is still too long.

As you know, the legislative process is often about compromise, and this bill is no different. My bill, as introduced, would have set the waiting period to petition for expungement of a DUI diversion or misdemeanor conviction at three years. This substitute bill, which contains the same policy provisions as the bill that passed the House last year, sets the waiting period to petition for expungement of a DUI diversion or conviction at five years after having satisfied the sentence imposed or the terms of the diversion agreement.

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, the prosecution can look back on the expungement in order to enhance the severity level and penalties.

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 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 conviction in shorter time after satisfying the penalties for the offense, it makes sense that they will be much less likely to repeat. A good job is one of the best deterrents to reoffending.

The seven-year waiting period remains too long for a person who has learned from a DUI mistake to move on with a productive life; therefore, the House passed this five-year waiting period a second time. I believe the Senate should follow suit with the House on this change. I stand in support of this legislation and urge each of you to vote yes on Substitute for HB 2159.