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**Senate Judiciary Committee
Testimony in Opposition to HB2159
March 17, 2015**

Chairman King and Committee Members,

Since the DUI Commission's work was completed and many of their recommendations adopted in legislation, we have noticed a theme the past few years to attempt to undo some of those achievements to thwart drunk driving in Kansas. We continually hear some ask for our sympathy for the DUI offender, with little discussion by proponents of these reversals of policy for the hundreds of Kansans negatively affected by drunk drivers every year.

This same expungement issue was debated last year when the House wanted to reduce the period for expungement in KSA 21-6614 to five years for DUI offenses and the Senate wanted to leave it at ten years as adopted by the DUI Commission. It was in conference committee where the compromise of 7 years was reached. We believe the Senate had it correct last year and it should have remained at ten years. We are opposed to reducing it any further than the reduction put in place last year.

We do agree that whatever the period of time is, it should be the same in KSA 12-4516 and in KSA 21-6614. So the time period in question on page 2, line 30 and page 8, line 27 should be the same. We oppose making it lower than the seven years the conference committee agreed to last year.

One of the reasons given for the suggested further reduction in expungement waiting period is for "fairness" and to allow the DUI offender a better opportunity at employment. We believe the employer deserves to know whether a person they are hiring has a history of alcohol or drug issues, particularly when part of that job involves driving. Secondly, we don't believe hiding a person's past is helpful or "fair" when there are competing applicants for a job. If two applicants are both similarly qualified for a job, should the fact that one has had a prior DUI conviction and one has not be hidden from that decision maker? What is that saying to the person who has displayed good character throughout their life to control drinking and driving behavior?

We encourage you to say no to efforts to weaken the DUI reduction efforts and continue to support the public safety policies currently in statute. Don't further erode last year's position of the Senate and do not reduce the diversion period to less than the seven years currently in KSA 21-6614.

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