

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:30 a.m. on February 24, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator David Haley- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes

Doug Taylor, Office of the Revisor of Statutes

Athena Andaya, Kansas Legislative Research Department

Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Dayln Schmitt, Regional Alcohol and Drug Assessment Center

Megan Endrees

Harold Casey, Substance Abuse Center of Kansas, Wichita

Win Smith, Addiction Specialist of Kansas, Wichita

Mary Ann Khoury, DUI Victim Center of Kansas, Wichita

Others attending:

See attached list.

The Chairman opened the hearing on **SB 278 - Creating the Kansas highway safety commission; penalties for driving under the influence; district magistrate judge jurisdiction for DUI cases.**

Senator Owens indicated there has been substantial feedback since **SB 278** has been introduced and a substitute bill has been drafted. Jason Thompson, staff revisor, presented an overview of the substitute bill highlighting key points between the original and the draft substitute. (Attachments 1 & 2)

Dayln Schmitt appeared in support stating enactment of **SB 278** will ensure all Kansans will benefit from a well coordinated, cost effective, DUI system. The DUI Commission will provide recommendations for a system of coordinated documentation of offenses and successful treatment systems providing a level of safety the public deserves. (Attachment 3)

Senator Schodorf spoke in favor and provided the committee with her assessment of current inconsistencies across the state with regard to the DUI laws. This bill will address inconsistencies in the system and relieves the frustration felt by both the public and the judicial system. (Attachment 4)

Megan Endrees spoke in support providing her personal experience with a DUI fatality and professional knowledge of the inadequacy of the current DUI system in Kansas. Ms. Endress stressed the need for a strong system of accountability coupled with a rehabilitative component. (Attachment 5)

Harold Casey appeared in support indicating that fair, consistent, and immediate consequences are all important ingredients for successful intervention toward impacting impaired drivers. Treatment works, saves lives, and effectively reduces cost, supports self-sufficiency, and provides hope to individuals and their families. (Attachment 6)

Win Smith testified in support stating it is important to remember addictions are a medical issue that affects both the offender and the public. A centralized database that will track offenders past records will stop offenders from putting themselves and others at risk while ensuring they follow through with treatment recommendations. Mr. Smith encouraged the Commission consider the ignition interlock device as a way of dealing with offenders. (Attachment 7)

Mary Ann Khoury spoke in support stating a large number of serious accidents result from an individual who has had multiple drunken driving offenses. The system in Kansas is broken and the citizens of Kansas are demanding it be fixed. Driving while impaired is a serious crime that requires harsh consequences and **SB 278** addresses some the measures needed to bring about this much needed change. (Attachment 8)

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:30 a.m. on February 24, 2009, in Room 545-N of the Capitol.

The Chairman indicated the Committee was out of time and **SB 278** will be continued tomorrow.

The next meeting is scheduled for February 25, 2009.

The meeting was adjourned at 10:30 a.m.