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SENATE CHAMBER

**DAVID B. HALEY**

SENATOR  
DISTRICT 4  
WYANDOTTE COUNTY

February 14, 2017

## TESTIMONY IN SUPPORT OF SENATE BILL 123

**TO: CHAIRMAN WILBURN; VICE-CHAIR LYNN & MEMBERS OF THE SENATE JUDICIARY COMMITTEE:**

Thank you for hearing testimony on SB 123 which intends to restore our law regarding the use of the ignition interlock device for FIRST time driving-under-the-influence of alcohol ("DUI") offenders to the ORIGINAL intent of the devices usage as written by the DUI Commission and of our affirming Legislature.

Here is the problem that SB 123 intends to rectify:

After having their driver's license suspended up to one year for a "first time" conviction, many DUI offenders are NOT able to be reinstated by Kansas Department of Revenue because they are unable to show proof of having operated a vehicle an ignition interlock device attached while suspended.

As a member of the DUI Commission and as the one "hold out for clarity" signatory to the Judiciary Conference Committee report that ENACTED these policies, I can clearly attest that this current perverse policy was NOT the intent of either the Commission nor of the Senate.

The use of ignition interlock during the first six months of license suspension was presented as an OPTION for an offender to enable the offender to drive to drive, while suspended, to work, school, child care, etc. The Committee's intent was not to require proof of the device in order to be reinstated after the suspension period was over.

Last year, with two other, now former, members of the Senate Judiciary Committee, we intended to address this matter which in no way affects Kansas' receipt of Federal Highway funds and to clarify that first time offenders no longer rent an expensive device from an aggressive industry after that offender serves their suspension time before being reinstated.

I realize the opponents to this bill may have a "nothing is too strict; no penalty is too harsh or double jeopardy too unwarranted" for first time DUI offenders attitude and ask us to uphold this twisted policy which is overly expensive, wholly unwarranted and out-of-sync with realistic penalties for first time offender in other regional States.

But, I ask you to return the law to its original implementation and not hold economically hostage those offenders who serve their time suspended and learned their lesson from the first time mistake.

Thank you. I'll be happy to stand for questions at the appropriate time.

A handwritten signature in black ink, appearing to read "Haley", written over the typed name.

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