

SESSION OF 2017

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2085**

As Agreed to April 5, 2017

Brief*

HB 2085 would amend law regarding ignition interlock to require every person who has an ignition interlock device installed to complete the ignition interlock device program pursuant to rules and regulations adopted by the Secretary of Revenue. An approved service provider would have to provide proof of completion to the Division of Vehicles before the person's driving privileges would be fully reinstated.

The bill would also amend statutes governing expungements in municipal and district courts to state that provisions regarding expungement of violations of driving under the influence (DUI) or test refusal would apply to all violations committed on or after July 1, 2006, except that the district court expungement provision for a second or subsequent violation would not apply to violations committed on or after July 1, 2014, but prior to July 1, 2015.

[*Note:* The bill appears to make additional substantive amendments regarding copies of orders of expungement and bail enforcement agent licensing. However, these provisions are in existing law and are technical amendments to reconcile different versions of the statutes created by 2016 legislation.]

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Conference Committee Action

The Conference Committee agreed to strike the contents of HB 2085, as amended by Senate Committee on Judiciary, concerning postrelease supervision for persons convicted of sexually violent crimes and correction of an illegal sentence, and replace them with the contents of HB 2391, as recommended by House Committee on Judiciary, concerning DUI expungement and ignition interlock devices. The conference committee on SB 112 added to that bill the contents of HB 2085, as amended by Senate Committee on Judiciary, which included the contents of HB 2035, regarding illegal sentences.

Background

HB 2085—Postrelease Supervision and Illegal Sentences

HB 2085, as introduced, contained provisions regarding postrelease supervision for persons convicted of sexually violent crimes. The contents of HB 2085, as amended by Senate Committee on Judiciary, which included the contents of HB 2035, regarding illegal sentences, were added to the conference committee report for SB 112. Background for both of those bills is available in the conference committee report brief for SB 112.

HB 2391—DUI

HB 2391 was introduced by the House Committee on Federal and State Affairs at the request of Representative Carpenter. In the House Committee on Judiciary hearing, Representative Carpenter and a representative of the Kansas Ignition Interlock Association testified in support of the bill. A representative of Mothers Against Drunk Driving submitted written-only proponent testimony. No neutral or opponent testimony was provided.

The bill was assigned to the Senate Committee on Judiciary, but did not receive a hearing.

According to the fiscal note prepared by the Division of the Budget, the Kansas Department of Revenue indicates enactment of HB 2391 would result in longer calls and hold times as staff reviewed approved Kansas companies with out-of-state drivers. However, any fiscal effect could be absorbed within existing resources. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.

driving under the influence; ignition interlock devices; expungement

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