

SALINA MUNICIPAL COURT

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February 13, 2019  
HOUSE JUDICIARY COMMITTEE  
Testimony on SH HB 2211  
Hon. Brenda Stoss  
Municipal Court Judge, City of Salina

Thank you, Chairman Patton and members of the committee, for allowing me to testify this afternoon. I am Brenda Stoss, Municipal Court Judge for the City of Salina. I served as Chair of the Ad Hoc Committee on Bonding Practices, Fines, and Fees in Municipal Courts. The Ad Hoc Committee's study particularly focused on practices and policies that disproportionately affect economically disadvantaged persons, including difficulty in the ability to pay fines and fees levied by the court.

The committee's report noted that in 2017, 51% of driver's license suspensions were the result of a driver's failure to comply with a traffic citation. If a driver's failure to comply with the citation is related to financial hardship, ordering a suspension of driving privileges and imposing a reinstatement fee of \$122 per charge has a substantial negative impact on the driver. The driver may already be struggling with maintaining employment, caring for children, making sure children are attending school, etc. The loss of driving privileges and the increase in the financial burden to resolve the issue can be devastating.

The Department of Revenue does have a procedure to allow a driver who is suspended for failure to comply with a traffic citation to obtain restricted driving privileges. This process provides limited driving privileges for a period of one year to allow the driver to successfully comply with the requirements of the citation. While this process is helpful for many drivers, it does not address an individual who, due to financial circumstances, is not able complete the requirements within a one year period. HB 2211 allows that driver to petition the court for consideration, and allows a judge the opportunity to review the financial circumstances to determine if requiring payment in full of all reinstatement fees poses a manifest hardship on the driver or the driver's immediate family.

A municipal judge currently has discretion to take an individual's circumstances into consideration regarding the fines and court costs assessed. Extending this discretion to allow the judge to give the same consideration to reinstatement fees further assures that an individual is not disproportionately impacted due to their economic circumstances.

I urge you to support HB 2211. I thank you for your consideration and for allowing me to address the Committee. I am happy to respond to questions.