

February 18th, 2019

RE: SB143

Chairman Peterson and Honorable Members of the Committee,

I would first like to thank you for allowing us to engage in this forum to provide verbal testimony regarding SB143, that addresses current legislation on violations of driver license statutes.

My name is Melissa Lubbers. I am currently licensed in the State of Kansas as a master's Addictions Counselor. I hold a master's degree in Human Services from Washburn University and a master's degree in Criminal Justice from Wichita State University. Prior to working in the field of addiction treatment, I worked as a Parole Officer with the Kansas Department of Corrections-Wichita Parole office, a Court Services Officer with the 18th Judicial District Court, Adult Probation and as Risk Reduction Program Coordinator for Reno County Community Corrections. It is through this combined work that I have seen the detrimental impact of our current driving statutes.

Mr. Ninemeyer has previously made statements which I feel lays out cause for consideration in change in statute, therefore I will focus my testimony on the antidotal evidence to support his previously made statements.

As a Court Services Officer within one of the largest Judicial Districts in the State of Kansas, it was not uncommon to carry a case load of over 150 probationers. Before leaving my career with the 18th Judicial District Court Adult Probation department, I was actively supervising 208 law violators. Of those being supervised, at least one-third were individuals who had violated driving statute. Most of those cases were supervisee's who had no other criminal history. Many were not able to pay fines/fees in full by the date that their probation was set to terminate. This resulted in probation often being extended due to fines/fines not being paid off in full, leading to ongoing high caseloads for low risk law violators.

A large percentage of these individuals being supervised on these charges were individuals who met or exceeded 100% of the federal poverty guidelines. This means that a household of 3 made no more than \$1700 a month, for a single individual this means they make just over \$1000 a month. In order to pay off fines/fees in the given supervision time, the overall fines/fees are divided by the number of months of supervision, typically 6 months to 1 year and results in a monthly payment of \$60 to over \$100 a month. This payment schedule does not consider the individual's ability to pay the determined amount. We have ultimately created a doubly punitive system in which an individual who violates driving statute not only is punished legally until fines/fees are paid in full, but they are also administratively punished due to the inability to

resolve their licensing issues, ultimately creating a system of a “debtors' prison.” Secondly, the tax payer is also footing the bill to supervise compliance of the resolution of these driving cases.

On average, a probation officer supervising these misdemeanor cases is paid \$17 and hour (and up.) The influx in supervision of these driving cases has led to the need to hire more probation officers or to shift supervision practices that result in maintaining a “non-reporting probation” system. The current changes as put forth by SB143 creates a new system in which these cases can be more easily resolved, decreasing the burden on municipalities to supervise compliance of these cases and allows for individuals impacted by the licensing statute, to resolve their licensing issues while decreasing the likelihood of continuing to habitually violate the law. SB143 puts more power in the hands of Municipal and District Court Judges and District Attorney’s to discharge or resolve these driving cases at hand by showing that the violator has taken the steps to become a restricted driver by entering into payment agreements with the state or municipality to resolve prior fines/fees that may have prevented the ability to be validly licensed.

SB143 could currently be enhanced to encompass habitual violators, as it is more likely than not, that an individual has more than one violation of this law. The application of amnesty on these cases may help to easily resolve outstanding cases and quickly bring an individual into compliance with the law, decreasing the amount of money spent on supervising these cases while generating revenue for our state by increased collection in payments on these outstanding fines/fees. This also decreases the ongoing barrier to gainful employment that many encounter due to the inability to legally drive.

I would like for the committee to keep this in mind as you contemplate this bill before you. The majority of these individuals with whom I have supervised or have come to know through the work as a counselor, were individuals who were cited or arrested for violating the current driving standards while on the way to or from work or in the process of getting themselves or their children to and from school. The majority of these stops were initiated as a result of minor driving infractions and through the investigation process, were found to also be in violation of the licensing statute.

I will leave you with these last two scenarios for consideration. A 23-year-old African American female, currently serving as a single parent, being supervised for her 3rd and 4th Driving While Suspended (DWS) charges. She received her first DWS charge around the age of 16 years old going to high school on her first day of classes. She was afraid to tell her mother that she was cited and never resolved the issue but was prevented from becoming a legal driver due to this violation. She got her second DWS charge at the age of 19 years old going to her first day of college. She ultimately dropped out due to her inability to find stable and consistent transportation. Because of her first DWS charge, the legal and financial issues began to snow ball. She received her 3rd and 4th DWS within days of each other, both times while on her way to work. Her current fines/fees are more than she can currently pay as stated in her probation contract and feels it will be years before she is able to pay the remainder of the other fines/fees due to making \$10 an hour. She reports having lost jobs within the last 3 years due to attendance

issues that were a direct result of her inability to find rides to work or the bus system not running on time, leaving her late to work.

A 22 year old African American male currently expecting his first child. Recently cited for DWS, his 3rd since the age of 19 years old. He resides in Sedgwick County but works at a meat packing plant 70 miles away. He usually takes the bus that the plant runs each day to work, however his recently pregnant significant other was experiencing a bout of morning sickness directly before they were set to leave the house. She was unable to drive him the less than 3 miles down the street to catch the bus at 430am. They decided that he would take the car the 3 miles down the street and leave the car in the parking lot across the street for her to pick up later while he caught the bus to work, instead of driving the 70 miles to work, as he did not have time to run the 3 miles and still catch the transport on time. He was pulled over as he was pulling into the parking lot by the bus stop and watched the bus drive away while the officer wrote his ticket. The violation that led to the initial stop; a break light was out. He missed out on a days' worth of pay due to this incident. He also missed at least 3 other days of work just to appear in court as a result of the new driving charges. Why 3 days? Because he didn't have a license to drive himself back and forth the 70 miles to go to work, to come back into town to his court appearance and then back out the 70 miles to work.

These are just two examples of the dozens of stories that I have heard over the last eight years which illustrates how quickly these violations can develop into situations with no end in sight. SB143 allows a way for individuals to adequately address their violations in a way that benefits both the individual violating the statute and the individual municipalities charged with upholding the law.

With this I am open to answer any questions you may have regarding this testimony.

Melissa Lubbers MA, LMAC