

To: House Transportation Committee

From: Wendi Stark

Date: February 17, 2022

RE: Proponent Testimony to HB 2629

Thank you to Chairman Proehl and Committee members for allowing the League of Kansas Municipalities the opportunity to provide testimony in support of HB 2629.

Our support of this bill stems from the enhancement of judicial discretion afforded by removing the mandatory sentencing for “habitual violators” convicted of driving while their license is suspended. Depending on the facts of the case, there are times when the cost of keeping someone in jail will outweigh the benefits. Judges should have the discretion to review the facts relevant to the case and to levy a sentence that reflects this cost benefit analysis.

That said, there are cases where jail time may be the best way to protect and preserve public safety. Looking to the definition of “habitual violator” in K.S.A. 8-285, some of those convicted have committed serious offenses against the public safety. For example, three DUI convictions would make one a “habitual violator” under the statute, if convicted. Here, it may be in the best interest of the community to give this person some jail time to ensure they are not on the road. Cities want the flexibility to determine what is the best course of action on a case-by-case basis.

If HB 2629 moves forward, judges will still have the discretion to order jail time if they deem it to be in the best interest of the community. Judges will be able to weigh the facts of the case and determine what sentences will best protect their community. The League supports this judicial discretion and would ask that the Committee recommend the bill favorably for passage.