



CITY OF TOPEKA

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To: Senate Committee on Judiciary

From: Amanda Stanley, City Attorney

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Re: Neutral Testimony for SB 318

I would like to thank Chairwoman Warren and the Committee for allowing the City of Topeka the opportunity to provide neutral testimony with some concerns on SB 318 that would remove the requirement for municipal courts to collect fingerprints from persons convicted of violating certain municipal ordinance provisions related to vehicle registration or driving without a valid driver's license or motor vehicle liability insurance coverage.

On the surface, this seems like a simple bill with positive effects. It saves a defendant a court appearance and fingerprinting requirement; however, our concern is the unintended consequences of this legislature. Some of the offenses that are being exempted from fingerprinting include operating a vehicle without a license plate or title, unlawfully using an accessible parking placard, using fictitious names to register a vehicle, driving without a license, and arguably the most seriously offense being exempted driving without insurance. Currently on these offenses, a defendant must appear to resolve the case because of the fingerprint requirement.

Driving without insurance is a major moving violation. If an individual is convicted three times in five years, the individual's license is revoked for three years. Being able to explain this to the defendant is a big part of the license rehabilitation process. This best occurs in Court. Often times the defendant needs to understand that a diversion might save their license. Also, they need to understand the impact of reinstatement fees and learn how to set up a payment plan as these offenses could easily have fines and fees in excess of \$1500. It is not ethically appropriate for prosecutors to be explaining this to defendants who will most likely not be represented by counsel.

No insurance and driving without a driver's license are both problems in the City of Topeka. We do our best to explain the seriousness of these actions to the defendant in Court. While yes, the City of Topeka can still make this a mandatory appearance offense, people travel and receive tickets all over the State. Should not these facts be conveyed regardless of location so this legislation does not have the opposite effect of increasing the number of individuals who lose their license? Making defendants appear on these charges makes it serious, and for a lot of people, they need that Court setting to see that it is time to get it together.

Respectfully, we would suggest this legislation be more carefully considered to minimize these potential unintended consequences.