



Municipal Court

City of Mission

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January 22, 2024

Senator Kellie Warren, Chair
Senate Judiciary Committee
Kansas Capital, Room 419-E
300 West 10th Street
Topeka, Kansas 66612

Re: SB318

Sen. Warren and Members of the Committee:

I write in support of Senate Bill 318, which you currently have before you for hearing. This bill would exempt municipal courts from the existing requirement to fingerprint defendants convicted of vehicle registration, no driver's license and no insurance violations in municipal courts.

I support this bill because fingerprinting these defendants is time consuming, burdensome and requires courts (and police departments) to dedicate significant extra staff and resources to a task that appears to serve no significant or urgent purpose.

By way of background, I have been the Municipal Judge for the City of Mission for more than 20 years. I have also served extensively as a *pro tem* judge in other municipal courts, including in virtually every municipality in Johnson County. I currently serve on the Board of Directors, Legislative Committee and am President-Elect of the Kansas Municipal Judge's Association. In addition to judicial service, I have been a criminal defense attorney in the Kansas City area for more than 36 years.

K.S.A. 12-4517 requires municipal courts to fingerprint defendants convicted of ordinance violations that would be Class A or B misdemeanors under state law. As most of these misdemeanors are non-traffic matters found in the Uniform Public Offense Code ("UPOC") or other criminal ordinances adopted by each city, defendants charged with such offenses are typically fingerprinted at the time of their arrest, prior to their first court appearance. SB 318 would change the statute to remove from the fingerprinting requirement only a small subset of traffic-related offenses that are technically Class B misdemeanors, and for which defendants are typically summoned to appear by a traffic ticket or Notice to Appear ("NTA") served *without* a formal arrest.

My experience is that defendants often wish to plead guilty to these offenses when they first appear in court, either for convenience, because they cannot obtain evidence that a vehicle was insured, or because they are unable to obtain insurance or a valid driver's license in order to avail themselves of a diversion or other alternative disposition in their cases. In most instances, the penalty imposed would be a fine.

Fingerprinting for These Offenses Requires Extra Staff and Resources.

Many Kansas municipal courts conduct their dockets infrequently, and often after business hours (mine included, which has a night court traffic docket every Tuesday, in addition to conducting day dockets).

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Vehicle registration, no insurance and driver's license charges often comprise a significant portion of the traffic court docket and it is virtually impossible to plan or predict how many of those defendants may plead guilty on a particular date. Fingerprinting these defendants will usually require having an additional bailiff or police officer assigned to court, in addition to those already dedicated to security, and can require access to police equipment that is not readily available in the courtroom (particularly for cities without dedicated courtrooms and for those police agencies submitting prints to the KBI electronically). It may also require access to fingerprinting equipment located in secure booking areas of police departments, which is substantially more complicated when court takes place after business hours. Fingerprinting is also time-consuming and may require multiple defendants to wait for substantial periods of time after they have appeared and entered their plea before being escorted for fingerprints and released.

As you are undoubtedly also aware, it is currently exceedingly difficult for law enforcement agencies in our state to recruit, hire and retain qualified personnel. Having to locate and assign police personnel to fingerprinting duties concurrent with court operations only adds to the staffing burdens currently being experienced by most agencies.

Fingerprinting Defendants Convicted of These Traffic Offenses Does Not Appear to Serve any Significant Purpose.

While police departments in larger cities may take fingerprints using electronic scanners, many (and I would surmise, most smaller Kansas departments) still use cards and ink. Consequently, when prints are taken, there is no effort undertaken to immediately verify someone's identity, nor are municipal courts charged with that responsibility under current law. Rather, the fingerprints are typically submitted to the KBI long after the defendant has left the courthouse. Thus, to my knowledge, nothing is done with the prints concurrently or thereafter at the local municipal level and I am unaware that the KBI does anything with them when they are received later. In any event, in most cases, nothing is done contemporaneously with the taking of fingerprints at the time of conviction.

I hope that this information is of assistance to you in considering this piece of legislation.

Thank you very much for your consideration and attention to this matter.

Very truly yours,

/s/ Keith E. Drill
Keith E. Drill, Municipal Judge

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