

Senate Bill 361

Dear Mrs. Chairwoman Warren & Committee Members,

I am writing today to talk to you about my only child Levi Ward who was killed Easter weekend 2022. Levi was a twenty-year-old kid studying meteorology at KU. He was a contracted storm chaser for our ABC affiliate Kake news in Wichita, Kansas. Anyone that knew Levi described him as kind, genuine and polite.

Levi came home from school Easter weekend and spent time with my husband and I cooking dinner. I was lucky enough to have an hour conversation with him one on one before he left to see his childhood friends. Levi and his friend were headed back to his apartment when a truck pulled out in front of them.

I have read the accident report and every supporting document relating to the crash. I have watched all twenty-seven body cam videos from the scene of the accident and watched my son die on camera. His friend was transported to the hospital, and I watched him die an hour later on the operating table.

The driver of the truck that hit them did not call 911, did not render aid and left the scene of the accident. His dad brought him back to the scene hours later, dressed in different clothes. The accident report said an open bottle of whiskey was in the driver's side door. He was charged and convicted of leaving the scene of an accident resulting in a fatality. The judge gave him the maximum sentence of 34 months, and he is now scheduled to be released in 25 months.

I am here today to talk about a bill that would revise the Kansas Law that governs leaving the scene of an accident resulting in a fatality. The current law has this listed as a level 5 felony on the Kansas sentencing grid.

For context, the Kansas sentencing grid includes level 1-10 of felonies and has three main sections. The first section is presumptive imprisonment (felonies with severity level 1-4 fall in this section). The next section is border box, severity level 5-6 where a judge gets to decide if someone goes to prison or gets probation and the final section is severity levels 7-10 presumptive probation (unless someone has multiple prior felonies, severity level 7-10 result in probation).

Leaving the scene of an accident resulting in a fatality is currently a level 5 felony-border box where the judge gets to decide if someone gets between 31-34 months of prison or probation. We know that the main reason people leave the scene of an accident is because they have been driving under the influence of drugs or alcohol. If someone is charged with a DUI that resulted in death --that is involuntary manslaughter which is classified as a level 4 felony - no option of probation and length of prison sentence increases. The current law *incentivizes* people driving under the influence to leave the scene, which results in a lesser sentence for them and more importantly can result in death where someone *otherwise* could have lived.

In my son's case, the driver left two 20-year-old kids alive on the road to die. What if it had been a school bus full of kids? Think of all the rural counties in our state. If someone is left in critical condition, especially in the middle of the night, it could be

hours before they are found. Minutes can be the difference between life and death when someone has critical injuries.

There are two changes proposed in this bill:

The first change is to move leaving the scene of an accident resulting in a person's death from a level 5 felony to a level 4 felony, which is the same as involuntary manslaughter and takes away the option of probation.

The second change is in the event of multiple fatalities, to further increase the severity to a level 3.

The Kansas Association of Chiefs of Police, Kansas Peace Officers, and the Kansas Sheriffs' Association support this bill. I am asking for *your* support.

Sincerely,

Jill Ann Ward