



# RACIAL PROFILING CITIZENS ADVISORY BOARD FOR THE CITY OF WICHITA



## TESTIMONY IN SUPPORT OF SB87 AS AMENDED

by

Dr. Walt Chappell—Vice Chair—Racial Profiling Advisory Board

**It is NOT a CRIME to be POOR.** Yet over 200,000 Kansans have had their driver's license suspended because they did not have enough money to pay their traffic fine and court costs within the short time allowed in State statute to do so.

As a result, the State Department of Revenue suspends their driver's license as a way for Kansas municipal, county and district courts to force people to pay these fines. But, unfortunately, this means, that the Court has put the person who owes the traffic fine under "**HOUSE ARREST**" with no way to legally drive to work, purchase groceries, take their kids to or from school or any other place they need to go.

Thankfully, the added fines of \$1,000 or more plus imprisonment of 90 days if a person is found driving on a suspended license under KSA8-262 have just been ruled to be **UNCONSTITUTIONAL**. Here is a [direct quote](#) about the ruling issued on 2/20/2019.

*"The U.S. Supreme Court ruled unanimously Wednesday that the Constitution's ban on excessive fines applies to state and local governments, thus limiting their ability to use fines to raise revenue." "Protection against excessive fines has been a constant shield throughout Anglo-American history for good reason: Such fines undermine other liberties."*

Therefore, the amendments to SB87 and current statutes offered by our RPAB will do the following:

- 1) Instruct the Department of Vehicles to post a Uniform Amnesty Application Form on their website for use throughout Kansas.
- 2) Allow an Amnesty agreement to be made between a "Prosecuting Attorney" and the person who owes a traffic fine in a municipal, county and/or district court.
- 3) Apply existing Kansas Restricted License statutes to allow the person to legally drive while they are doing their Community Service or earning money to make their installment payments so they can pay their original fine and court costs.
- 4) Allows Kansas Courts to withdraw arrest warrants and all additional fines, fees, imprisonment and 90 day delays before a person can have their driver's license reinstated by removing reference to KSA 8-262 under Section C of SB87 as introduced.

Passing SB87 with these amendments will comply with the Timbs ruling just made by the US Supreme Court. It will also be a humane way to make sure that over 200,000 of our fellow Kansans can once again drive legally. Plus our law enforcement officers will not be faced with having to take a person to jail and impounding their car just because they did not have enough money to pay their original traffic fine on time.