

Rep. Stephen Owens  
Chair, House Committee on Corrections and Juvenile Justice

March 5, 2024

Re: Testimony in support of the original SB318

Chairman Owens and the House Committee on Corrections and Juvenile Justice,

Thank you for the opportunity to testify in support of the original draft of SB318, on behalf of the Kansas Municipal Judges Association, hereinafter KMJA. My name is Karen Torline, and I serve as the current chair of the legislative committee for the KMJA. I have served as President of that organization in the past, and have served on the training committee and well as the education committee. I am currently a municipal judge in three cities in the Johnson County area, and prior to that, I was a prosecutor for 25 years.

I appear before you today as a representative of KMJA. The goal of our legislative committee is to propose legislation that will have a positive impact on court staff and staff resources, as well as on the defendants who appear in our courts. SB318 is one such bill. The fingerprinting requirement set forth in K.S.A. 12-4517 requires fingerprints be taken from defendants when convicted of offenses that are comparable to a class A or B misdemeanor, as well as the class C offense of assault. The taking of fingerprints requires time and resources of police officers, bailiffs and/or court clerks, rightfully so in many instances. However, a large number of municipal defendants in our municipal courts across the state are charged with either driving without a driver's license in violation of K.S.A. 8-235, or not providing proof of insurance in violation of K.S.A. 40-3104, both of which meet the definition of offenses that are comparable to a class A or B misdemeanor. By removing those two nonviolent offenses from the requirement of fingerprints, it would free court staff to use time and resources more efficiently. Because these two charges require fingerprints upon conviction, many courts take those prints during the court docket, which pulls the person responsible for printing (law enforcement officers, court bailiff, or other court staff) away from the court itself, which extends the amount of time defendants are waiting in court. This can also create a safety concern, if the law enforcement officer or bailiff has their attention focused on prints rather than in the courtroom. In addition, a charge of no proof of insurance is most often related to a lack of financial resources rather than anything else. Some courts cannot take the fingerprints at the time of conviction, and instead require a defendant to return for prints at a later time, which remains a drain on court staff resources and creates a hardship for defendants.

For these reasons, KMJA is supportive of SB318 as originally drafted. Unfortunately, an amendment was proposed that relates to additional duties for prosecutors. That amendment does not have support of prosecutors across the state, as it would require action from the prosecutors that is unrealistic and overly burdensome. From a judge's perspective, if the amendment language remains in the bill, I would anticipate extensive delays, which would cause substantial delays in the overall court system. Therefore, the KMJA support for this bill extends only to the bill as originally drafted and does not include support for the bill as amended.

Respectfully submitted,

Karen Torline, Municipal Court Judge